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City & County of San Francisco

HUMAN RIGHTS COMMISSION

Willie L. Brown, Jr., Mayor

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ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

REGULAR MEETING AGENDA
Thursday, January 8, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE DIRECTOR

4. Presentation of 12.D.A. Waiver Report for November and December 2003
   Discussion Item - Attachment to be provided at meeting
   Present: M. Kanios

5. Presentation of Human Rights Commission Activities: 1996-2003
   Discussion Item - Attachment to be provided at meeting
   Present: Staff

REGULAR BUSINESS

6. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
   Discussion Item - No Attachment

7. Adjournment

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HRC CALENDAR January/February 2004

January 01
Employment Committee Meeting
CANCELED

January 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Junary 14
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 21
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 11
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 18
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.
6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4^{th}) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2^{nd} and 4^{th} Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material

submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

Policy on Tape Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Disability Access

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site http://www.sfgov.org/ethics/.

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

DOCUMENTS DEPT.

FEB 10 2004

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Minutes

Regular Meeting
January 08, 2004
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Commissioner Chair Heinicke called the meeting to order at 4:42 p.m.

Commissioners Present
Malcolm A. Heinicke, *Chair*
Haig Baghdassarian
Vernon C. Grigg III (arr. at 4:52 p.m.)
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks (left at 5:15 p.m.)
Charles Ward

Commissioners Excused
Khaldoun Baghdadi
Shirley Dimapilis
Daniel Grossman

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Marcus Arana; Larry Brinkin; Maria Cordero; James Fields; Cynthia Goldstein, Kabir Hypolite; Zula Jones; Melinda Kanios; Yong Lee; Ellise Nicholson; Diana Rathbone; David Treanor and Roel Villacarlos.

Guests Present
Mindy Lee (HRC Intern) and Mhenaz Saiyed (HRC Intern).

A quorum was present.

2. Circulate General Communications File

There was no general Communications File.

3. Public Comment on Items Not on the Agenda

There was no public comment.

* * *

Chair Heinicke noted that Commissioner Baghdadi was not present at this meeting because he and his wife had a child a few weeks ago and Chair Heinicke sent his congratulations. Additionally, Chair Heinicke announced that he and his wife are also expecting a baby girl in a few months.

Chair Heinicke also congratulated Commissioner Martha Knutzen, who has been hired by the new District Attorney Kamala Harris to run the Technology Division of the District Attorney's Office.

Chair Heinicke noted that the last Commission meeting took place in the Bayview/Hunter's Point where there was a lot of testimony from the community and the Commission adopted a thorough and complete report on environmental issues in the Bayview/Hunter's Point. Chair Heinicke noted that he wanted to follow up on a

suggestion brought up by Edward Smeloff, regarding the events that would have to happen for the powerplant to go on operating past 2005. Mr. Smeloff suggested that the HRC urge the Board of Supervisors and other City departments to not let this happen. Diana Rathbone (HRC Staff), stated that Mirant has applied to retrofit the plant and if that application were approved, the powerplant could continue to operate past 2005, but the City did not want this to happen. The same situation applied to the PG&E plant, who she believed also had an application to retrofit so that they would comply with environmental standards. If this happens, the impetus to shut down would be eliminated and the powerplant would go on operating indefinitely. Ms. Rathbone also spokea bout the gas turbines and noted that the main concern at the moment is where these gas turbines will be placed because nobody wants them in their neighborhood.

Commissioner Heinicke stated that his goal was to be proactive and to have the HRC oppose the extensions or developments of pollution producing powerplants, through a hearing or letter. Chair Heinicke noted that he wanted to make sure that the HRC follow up on the issues that arose from the community meeting.

* * *

Director Harmon wanted to take a moment to honor the Mayor's Equity Coordinator and HRC Liaison, Jonnie Robinson who has zealously advocated for the HRC and its programs. Director Harmon stated that without Ms. Robinson, many of the HRC accomplishments would not have been possible. Director Harmon wanted to thank Ms. Robinson publicly, and stated that she has made the HRC and San Francisco a better place.

Frank Anderson (HRC Staff), stated that he met Ms. Robinson the first week she began working for the Mayor and has had a long-term involvement in trying to make equal opportunity a reality in this City. He stated that Ms. Robinson is committed both personally and professionally, she is well respected, knowledgeable and has been a real champion for this agency at times where the HRC has been in need of a friend. He concluded that he was delighted that she is being honored here tonight.

James Fields (HRC Staff), stated that there were a number of tasks that he would not have been able to accomplish without the support of Ms. Robinson. He noted that the elevator industry now has an apprenticeship program due to the efforts of Ms. Robinson.

Cynthia Goldstein (HRC Staff), stated that when the Director was on maternity leave and she was given the opportunity to work on the budget last year, Ms. Robinson helped the HRC by attending all of the Mayor's Budget staff meetings and stood up for the HRC. Ms. Goldstein felt that the HRC would have lost would have lost staffers if it weren't for Ms. Robinson.

Diana Rathbone stated that without Ms. Robinson's assistance, the environmental racism workshops would have no place to meet. Many venues turned down the HRC and while

Ms. Robinson was in attendance at one of the planning meetings, she disappeared for ten minutes and came back with a date and a place for every single workshop.

Commissioner Rollins thanked Ms. Robinson for her graciousness, the time that Ms. Robinson gave her and the courage to continue in the process to become a Commissioner.

Commissioner Knutzen stated that she might not have understood things all of the time but Ms. Robinson always helped her understand. Commissioner Knutzen was glad to have stayed with the HRC and glad Ms. Robinson stuck with the HRC. She stated that Ms. Robinson would always listen and advocate for the LGBTH community. Through this, Commissioner Knutzen stated that we have built an understanding through this administration that will last a lifetime.

Commissioner Ward stated that after he was appointed to the Commission at the behest of Kamala Harris, all he ever wanted here was Ms. Robinson's approval. On the day he spoke at the HRC rally on the steps of City Hall, regarding the Civil Grand Jury, Ms. Robinson came to him and said "Now, you can move to the head of the class." Commissioner Ward thanked Ms. Robinson for her leadership, mentorship, and friendship and congratulated her on her retirement.

Chair Heinicke stated that when he was appointed to the Commission he asked Bevan Dufty, "What do I do?" and his response was, "if you ever have any questions, you should talk to Jonnie Robinson right away." Chair Heinicke stated that coming from Mr. Dufty, he knew that was a great compliment. Over the years, Char Heinicke has heard compliment after compliment from various colleagues at City Hall and he felt that is a great testament to the person that Ms. Robinson is. He states that Ms. Robinson has been a great ear for the Commission and the HRC knows that she has the Mayor's respect. The Mayor's judgement has come back through Ms. Robinson and that was reassuring for the work that has been done on this Commission, and for the Executive Director, and staff. Commissioner Heinicke then presented Ms. Robinson with a Certificate of Honor.

Ms. Robinson stated that she has always been supportive of the HRC and it has been a wonderful Commission to work with. She stated that the HRC does great work and is doing a wonderful job. She often tells the Mayor that the HRC is the most exciting Commission in the City...it touches everything with a heartbeat in this City. She thanked Zula Jones, Toni Delgado, Frank Anderson, and Cynthia Goldstein, adding that she does what she does because she cares about the Commission.

Ms. Robinson stated that she has had the opportunity of observing two previous Directors of the Commission and Virginia Harmon has been the best Director the HRC has ever had (applause) and she has told the Mayor this on many occasions. She commended Director Harmon for resolving issues, hard work, dedication, and the long hours and she has such a great respect for Director Harmon, then wished her a long career and asked her not to leave the Commission, adding that everyone should continue to carry the torch.

There was no public comment on this item.

4. Presentation of 12.D.A. Waiver Report for November and December 2003
James Fields and Melinda Kanios (HRC Staff), presented the 12.D.A. Waiver Reports for November and December of 2003. Ms. Kanios pointed out that on the Sole Source Waiver Report for November, waivers two and three for the SFPUC Water Quality Bureau are waivers for equipment for that identifies DNA through molecular biology to determine what levels of micro-organisms are in drinking water. Waiver number six for the SFPUC Utilities Engineering Bureau Ms. Kanios stated that at the time of the request, there was an emergency, and the contractor and the contract amount were unknown. Since then the contractor has been identified as Darcy and Harding a San Francisco Certified Firm and the amount of the contract has been identified as $247,555.00.

There was no public comment on this item.

5. Presentation of Human Rights Commission Activities: 1996-2003
Commission Secretary Toni Delgado began the presentation by highlighting some of the reports that were authored by the HRC during the Brown years, under Mayor Brown's leadership, his appointees, the Director and staff. These reports included Violence In Our City; Backlash, Violence, Human Rights Violations and Discrimination In the Wake of September 11, 2001; the Racial Privacy Initiative and Environmental Racism. Each of these reports included a series of public hearings, much community outreach and advocacy and through these effort the HRC built strong working relationships with other City departments. Ms. Delgado stated that the HRC also built relationships statewide and nationally. For example the HRC co-sponsored the California Association of Human Rights Organizations (CAHRO) Conference—a week long event highlighting civil rights issue and positive programs, Dr. Cornell West, Human Rights advocates and leader was the keynote speaker. Ms. Delgado and Hadas Rivera-Weiss made a presentation to the United States Civil Rights Commission in which they outlined how the City has responded to violence and hate crimes post 9/11 as well as violence in our City and among our youth. Most recently, the HRC co-sponsored a conference with Institute for Democratic Change where we shared positive ways to deal with discrimination, youth, and the incarcerated and contrasted with how Germany handles civil rights issues and solutions.

Frank Anderson, Sr. Contract Compliance Officer of HRC's Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA). Mr. Anderson stated that employment is still as important as it was forty years ago. The HRC has been involved in numerous employment initiatives over the years. Mr. Anderson highlighted the construction industry in San Francisco and used the retrofitting of City Hall, the new Courthouse, the Asian Museum, the old and new public library, the Bill Graham Civic Auditorium, the Opera House, the City's 911 Emergency Center Building as examples. Mr. Anderson noted that in each of these projects, the HRC was very involved in the

monitoring and inclusion of minority, women and local owned contractors and sub-contractors and provided meaningful employment to the citizens of this community. The Employment Committee has dealt with issues such as the exclusion of women from the elevator trades and starting an apprenticeship program in this industry; employment termination of non-citizens at the Airport and diversity in the San Francisco workforce, including presentations to the San Francisco workforce program, the Moscone Expansion Project and 3rd Street Light Rail. Mr. Anderson noted one particular case, which garnered national attention, when Height and Weight provisions were added to the HRCs ordinance. The complainant was turned down for a franchise opportunity with a gym because she was a large woman, although aerobically competent, she did not fit the image of the franchise and was turned down.

Mr. Anderson stated that housing issues are primarily based on lack of housing and affordability. These two factors create much competition, which in turn has created discriminatory and unfair treatment. Issues such as evictions, the treatment of mono-lingual Spanish speaking people, seniors in single-room-occupancy hotels who have been subjected to health and sanitary issues. The Rent Board also refers many clients to the HRC. Although these issues are difficult to hear, things are improving in the housing area.

Mr. Anderson spoke about Public Accommodation and noted that it is not heard about very often, because the HRC resolves complaints successfully. Public Accommodation is a barometer of this community, of how we treat each other. In this area, the HRC had spent a lot of time around retail discrimination and profiling where clients are, for example, followed around stores for no particular reason or maybe have reservations at a restaurant, but other non-minority guests are seated before them who don't have reservations. About a year ago, the HRC co-sponsored with the Lawyers Committee for Civil Rights and the San Francisco Chamber of Commerce, a workshop for people who provide services in this area. A lot of meaningful information was disseminated and we are beginning to educate people on these issues of public accommodation.

Mr. Anderson talked about the Issues Committee, which hears many of the housing and public accommodations issues. The Committee deals with issues such as hate crime, housing, public and community relations, and public accommodations.

He thanked the Commissioners for their dedication, commitment and continued support of the staff.

Larry Brinkin and Cynthia Goldstein, co-managers of the Lesbian, Gay, Bisexual, Transgender and HIV division (LGBTH). Mr. Brinkin stated that this presentation will be focused on projects and activities that the Commissioners have been directly involved in.

Larry Brinkin took a moment to thank Commissioner Knutzen and said she has always been there, has been the chair of the LGBT Advisory Committee and worked closely to

strategize upon difficult issues. Her leadership, wisdom, understanding of process has been so helpful to the Committee and to the Division.

Ms. Goldstein stated that LGBTH staff would be making the presentation.

Ellise Nicholson spoke about the LGBT Advisory Committee. She stated that each spring, the Committee holds it's annual retreat where members determine what topics to address in the coming year. Panels are held to educate the Committee on issues of concern to the LGBT community and to explore areas where the committee might take action in the future. One example was the Queer Homeless Youth panel which led to the creation of Task Force which has drafted a position paper which in turn will be presented to the Commission for approval. The Committee also drafts for Commission approval many letters and resolutions in support of or opposed to legislation that have a positive or negative impact on the LGBT community, such as A.B. 25 the State domestic partners bill.

Ms. Nicholson stated that the Committee, along with the Commission, has held a number of hearings on under-addressed issues facing the LGBT community, these hearings include, LGBT Youth, Economic Empowerment of the LGBT Communities, and Aging in the LGBT Community. Ms. Nicholson outlined the structure and outcome of hearings.

Yong Lee presented one issue came to the Commission because of a billboard ad placed by 24-hour fitness that made fun of fat people. Fat activists came to the Commission and asked us to write a letter and get involved with this issue. After an HRC hearing on Height and Weight discrimination, the HRC heard many stories about people being denied housing, employment and medical attention because of their height or weight. A resolution urging the Board of Supervisors to add height and weight as protected categories of discrimination was passed and a presentation was made to the Board of Supervisors who passed the legislation immediately. The City gained national attention and San Francisco became one of the first cities to adopt this type of legislation.

Marcus Arana spoke about the transgender and intersex related activities over the past eight years. The 1994 public hearing of the Commission led to the creation of gender identity as a protected class in 1995. Starting in 1998 gender guidelines were drafted and implemented providing guidance to employers and businesses and transgender people about gender identity discrimination. In 2000, the Transgender Implementation Task Force was created to help implement the HRC report recommendations along with Commission Staff. In 2001, there was national news coverage when San Francisco removed transgender based exclusions from the City Heath plan. San Francisco is the first City in the United States, and the only City so far with this policy. In 2002, the HRC worked on Sheriff and Jail protocols and these protocols are being reviewed by other municipalities to provide safety and dignity to transgender inmates. Mr. Arana stated that in 2003 an Intersex Task Force was created by the HRC and is the first time that an intersex group has been received by a governmental entity. This Task Force is drafting a

resolution with the San Francisco Police Department (SFPD) and the transgender Community Task Force to revise SFPD's Departmental General Orders (DGO) to create bulletins and write a report with recommendations to ensure that transgender people have safe and dignified interactions with San Francisco law enforcement. And on December 10th, 2003, the gender identity guidelines were presented to the Commission and approved. The guidelines are now more user friendly, easier to read and understand, and reinforce the Commission's principle that gender identity is a persons own sense of self and is not in the eye of the beholder. The guidelines also make strong recommendations regarding gender neutral bathrooms.

Chair Heinicke urged Mr. Arana and Commissioner Sparks to share the revised SFPD DGOs with other municipalities.

David Treanor spoke about the Equal Benefits Ordinance which took effect in 1997. Much effort was provided to education, for the public, City contractors and city personnel who work on contracts. Part of this effort went to the creation of the Rules of Procedure, which was written to be as business friendly as possible. There have been two successful litigation challenges to this ordinance. As of today, there are more that 4,100 compliant contractors are now offering benefits and they employ 2,100,000 people. Of this number, 63,400 people are accessing domestic partner benefits.

Roel Villacarlos spoke about the Diversity Tracking System. He stated that about a year before the ordinance was ready to be renewed, the HRC began collecting data for the disparity study to try to gather as much contracting information as possible. In 1998 the HRC developed the Diversity Tracking System to automate this process through the internet (See PowerPoint slides, attached).

This data allows the HRC to generate reports including contracts, dollar amounts, and the utilization on MBEs and WBEs. Mr. Villacarlos presented these figures extracted from the Diversity Tracking System from FY 1998-2003 (See PowerPoint slides).

The Diversity Tracking System has not only improved the HRCs working relationship with awarding City departments, but has vastly improved the monitoring and recording of data for the Commission, the Board of Supervisors and Mayor's Office.

The M/W/LBE Advisory Committee has been able to generate a series of public hearings in which the HRC has been able to gather anecdotal evidence in support of the reauthorization of Chapter 12.D.A. The Committee has been able to enhance our rules and regulations, as well as develop procedure manuals to uniformly implement the ordinance.

Maria Cordero and Melinda Kanios, make up the HRCs Certification Unit. They handle the Minority/Women/Local Business certification process for San Francisco based firms as well as the Registration of businesses located outside of San Francisco. Ms. Kanios stated

that in the process of certification, they provide a thorough review of documents, meet with business owners, perform site visits, take pictures of the office and their equipment, and enforce space requirements in accordance with the businesses' output. Site visits are also made at the time of re-certification or change of address. Once the process is completed, a determination is submitted to the Director who makes the final determination. In addition, the Certification Unit is charged with conducting workshops. The Certification Unit has facilitated a number of training workshops in the recruiting efforts of small businesses. The HRC has held workshops with various Chambers of Commerce, the Small Business Administration and other organizations, participated in a business outreach that was presented by Magic Johnson. Since 1999, these workshops have recruited, certified, and re-certified 991 disadvantaged businesses. Workshops about "How to Use Certification" are made along with the enforcement side of the Equal Opportunity division. Maria Cordero stated that it takes less than 30 days to process an application and a process is available to expedite certification in cases where a prime contractor is bidding on a potential contract. As of today, the HRC has 92 pending applications and out of those, only 14 have not been reviewed because the HRC is waiting for the owners to submit additional documentation. The HRC certification database is available on the HRC website and is updated once a week.

Chair Heincke stated that he is impressed by and approves of the excellent job of outreach done by this unit, and great access to the system.

Director Harmon stated that these are highlights of a few of the accomplishments of the HRC through the Brown administration. Mayor Brown has supported the HRC with a budget and resources to do our work. He has been an unwavering supporter of the HRCs goals, diversity, eradication of discrimination, the City's M/W/LBE program, and we could not have accomplished this without his support.

There was no public comment on this item.

6. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items.

* * *

Chair Heinicke noted that Commissioner Knutzen was leaving the Commission. Commissioner Knutzen stated that she loved serving on the HRC. She stated that a lot of people think that life isn't fair and there is nothing you can do about discrimination, and through the HRC she found that there are things people an do to changes and bring about fairness. At the HRC, Commissioner Knutzen stated that she was able to be the public interest lawyer that she always wanted to be. She stated that she was a part of social change and very few people get to do that.

Commissioner Knutzen stated that Mayor Brown had the courage, stature and brilliance in supporting her and the LGBTH community in San Francisco. She stated that there were many issues that were a first for other Commissioners as well as herself and she is proud to have been able to have been a part of such groundbreaking civil rights work that moved the City forward.

Director Harmon stated that this presentation is a celebration of where we have been. Ms. Delgado presented each of the Commissioners a certificate of appreciation.

There was no public comment on this item.

7. Adjournment

There being no further business, the meeting was adjourned at 7:23 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

Human Rights Commission Activities

1996-2003

Commission Reports

- Violence In Our City
- Backlash, Violence, Human Rights Violations and Discrimination in the Wake of September 11, 2001
- The Racial Privacy Initiative
- Environmental Racism

Commission Activities

- Co-Sponsored California Association of Human Rights (CAHRO) Conference
- United States Civil Rights Commission
- Institute for Democratic Change Hate Crimes Conference

Non-Discrimination in Employment, Housing & Public Accommodations

1. Employment
2. Housing
3. Public Accommodations

Lesbian Gay Bisexual Transgender & HIV Division

LGBT ADVISORY COMMITTEE ACTIVITIES

Panels – Held to educate Committee members and the public on issues of concern and to explore possible future Committee action items.

– Examples include:

- Same-Sex Partners Immigration Rights
- Queer Homeless Youth
- Bathroom Access for Transgender and other individuals
- Gay/Straight Alliance in High Schools
- Breast Cancer
- LGBT Religious/Spiritual Community

LGBT ADVISORY COMMITTEE ACTIVITIES

Advocacy – Letters or resolutions issued by the Commission at the request of the Committee, including:

- Condemning NYC Human Rights Commission's decision to not support inclusion of gender identity as a protected category in NYC's anti-discrimination laws.
- Requesting SFPD appoint a liaison to work with demonstrators to reduce tensions and de-escalate possible violence.
- Requesting SF International Airport meet to discuss the profiling of transgender individuals as suspicious passengers because they were "cross dressing."
- Expressing concern that the Anaheim School District censors LGBT literature.
- Requesting Board of Supervisors support for AB25, the state Domestic Partners bill.
- Condemning the Center for Disease Control for censorship of AIDS prevention literature.

PUBLIC HEARINGS

Held to explore and document emerging or under-addressed issues of discrimination. Findings and recommendations are generated to articulate the problem and a plan of action.

LGBTQQ Youth (September 1996)

- Subject Areas: education, health, shelter, services, juvenile justice
- Examples of recommendations
- Provide LGBT sensitivity training for SFUSD personnel
- Implement LGBT protocols for youth facilities and shelters
- Provide LGBT sensitivity training for all City-funded health care providers
- Address homophobia and transphobia at Youth Guidance Center

Results

- Youth Commission initiative on LGBT issues
- Legislation, including training mandates
- Printed Materials

Economic Empowerment (May 2000)

- Subject Areas: education, health, housing, spirituality, employment & business
- Examples of recommendations
- Develop a strategic plan to further LGBT economic empowerment
- Increase outreach to LGBT community regarding grant programs
- Establish LGBT community center as a CBO for employment
- Provide City funding for seed money for LGBT-owned businesses

Results

- LGBT Center community development program
- Increased training
- Living Wage law for City contractors

Aging in the LGBT Community (October 2002)

- Subject Areas: education, health, housing, service providers, legal
- Examples of recommendations
- Provide funding for LGBT elder residential community
- Increase outreach by senior services agencies to LGBT seniors
- Increase outreach by LGBT organizations to seniors
- Augment programs to reduce isolation of LGBT seniors

Results

- Improvement in outreach efforts by senior services organizations to LGBT seniors
- Increased support for LGBT-focused senior housing (Openhouse)
- Increased networking and communication among LGBT senior activists

WEIGHT / HEIGHT ORDINANCE

Background

- Letter from HRC regarding 24-Hour Fitness Campaign
- HRC Hearing and Resolution calling for protective legislation

Issues

- Discrimination in employment, housing, and public accommodations
- Misplaced focus on obesity, rather than fitness for all sizes

Board of Supervisors Hearing and Legislation (May 2000)

Public Reaction

Guidelines Adopted by Commissioners, including:

- Definition of terms, standards for filing complaints
- Examples of equitable and reasonable accommodation

Future Goals

- Meet with various industries such as airlines and theatres, to discuss accommodations

TRANSGENDER AND INTERSEX-RELATED ACTIVITIES

Based on the 1994 public hearing on gender identity discrimination and the subsequent addition of gender identity as a protected category in San Francisco's anti-discrimination laws:

- Gender Identity Guidelines drafted and implemented (1998)
- Transgender Civil Rights Implementation Task Force created to help implement Report recommendations (2000)
- Gender Identity-based exclusions lifted from SF City employee health plan (2001)
- Sheriff/Jail Protocols completed (2002)
- Intersex Task Force created – Resolution under Draft Review (2003)
- Intersex Presentation to Commission (2003)
- Departmental General Orders revisions, Priority Bulletins, Report and Recommendations prepared by SFPD/Transgender Community Task Force adopted by SF Police Commission (2003)
- Gender Identity Guidelines revised and adopted (2003)

EQUAL BENEFITS ORDINANCE

Successful implementation

- Contractor, City & public education
- Development of Rules of Procedure
- Successfully defended litigation challenges ATA v. CCSF and S.D. Myers v. CCSF

Current Statistics:

- 4,100 compliant contractors offering benefits
- 2,113,633 people employed by compliant contractors
- 63,409 people accessing domestic partner benefits
- 40 states with compliant companies that offer benefits

Impact elsewhere

- Vast increase in number of insurers offering domestic partner-inclusive products
- New Insurance database under development
- Increase in number of domestic partnership registries and the rights associated with registration
  - Nine EBOs in other jurisdictions and more pending

COMPLAINT HANDLING

Uniform Rules of Procedure (2002)

- Applies to all ordinances
- Replaced existing Rules that covered Chapter 12B only
- Adopted unanimously by Commissioners
- Implements uniformity of procedures across all Commission staff divisions
- Provides rules that the public can understand
- Sets timeline goals for resolution of complaints filed with the Commission

Manual for Commission Staff (2002)

- First complaint handling manual for Commission staff
- Implements uniformity of procedures across all Commission staff divisions
- Illustrates how to analyze a complaint
- All Commission complaint handling staff were trained to use the manual

Complaint Tracking Database (2003)

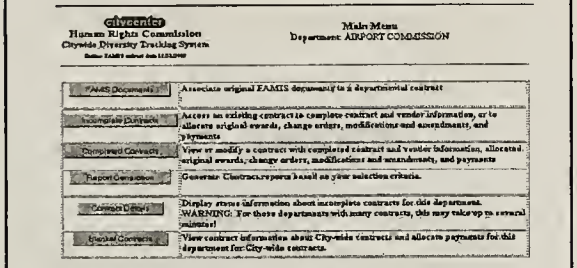
- First Commission database to electronically track and monitor complaints of discrimination
- Creates the ability to produce reports and better analyze complaints
- Can be used as management tool to track handling of complaints
- Allows Commission to monitor patterns of discrimination

Diversity Tracking System Report

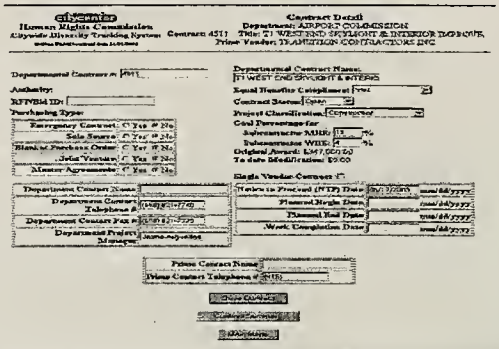
Table of Slides

- DTS Screens
  1 Main Menu
  1 Contract Details
  1 Financial Summary
  4. Vendor Info
    - FY1998-2003 Awards by Certified Ethnicities
      5. Prime Awards
      6. Sub Awards
        - Award by Fiscal Year
          7. Architecture & Engineering
          8. Construction
          9. General Services
          10. Professional Services
          11. Purchasing
          12. Telecommunications

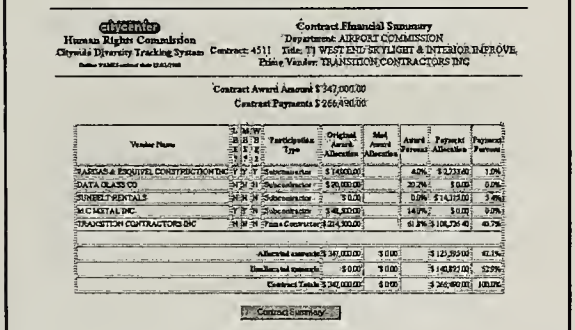
Diversity Tracking System Menu


civicenter
Human Rights Commission
Citywide Diversity Tracking System
Main Menu
Department: AIRPORT COMMISSION
FAMIS Documents
Associate original FAMIS documents to a departmental contract
Incomplete Contracts
Access an existing contract to complete contract and vendor information, or to allocate original awards, change orders, modifications and amendments, and payments
Completed Contracts
View or modify a contract with completed contract and vendor information, allocated original awards, change orders, modifications and amendments, and payments
Report Generation
Generate Contracts reports based on your selection criteria.
Contract Status
Display status information about incomplete contracts for this department. WARNING: For those departments with many contracts, this may take up to several minutes!
Citywide Contracts
View contract information about City-wide contracts and allocate payments for this department for City-wide contracts.

DTS Contract Detail Screen

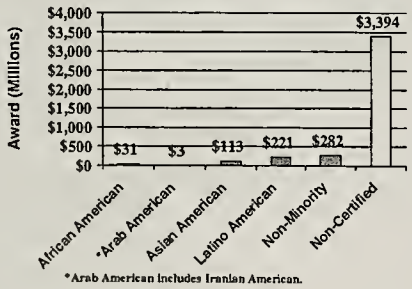


DTS Financial Summary Screen



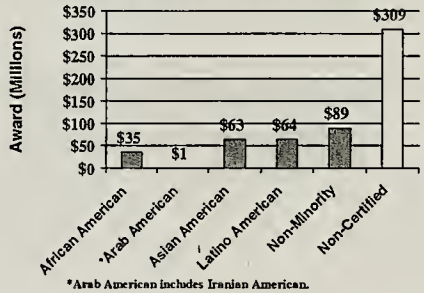
DTS Vendor Info Screen

Prime Contracts Award FY1998-2003 $4,043,051,728



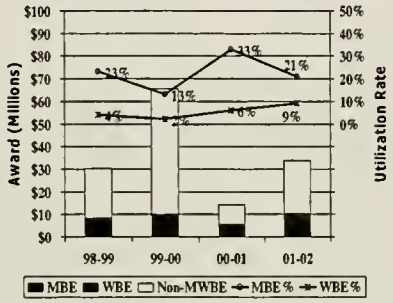
*Arab American includes Iranian American.

Sub Contracts Award FY1998-2003 $560,940,355

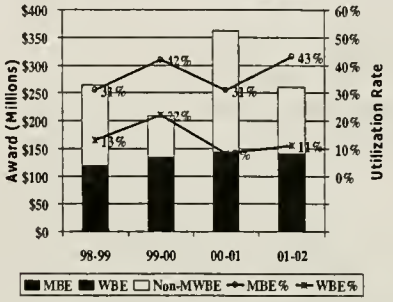


*Arab American includes Iranian American.

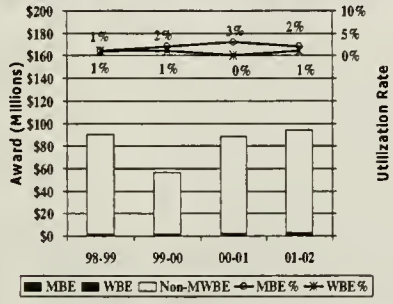
MWBE% in Architecture & Engineering Award Amount by Fiscal Year



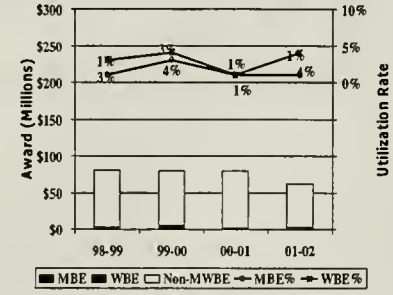
MWBE% in Construction Award Amount by Fiscal Year



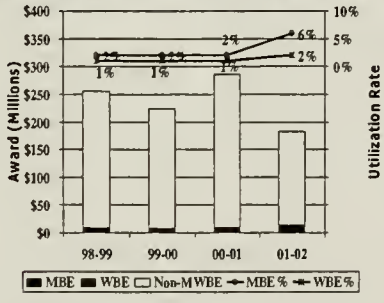
MWBE% in General Services Award Amount by Fiscal Year



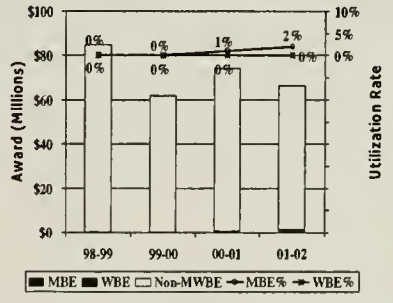
MWBE% in Professional Services Award Amount by Fiscal Year



MWBE% in Purchasing Award Amount by Fiscal Year



MWBE% in Telecommunications Award Amount by Fiscal Year



Chapter 12.D.A

- Re-authorizations 1998, 2003
- Rules and Regulations
- Procedures Manuals
- Certification

Credits

Mindy Lee..... Design
Mhenaz Saiyed.....Support

Human Rights Commission

City and County of San Francisco

Willie L. Brown, Jr., Mayor

DOCUMENTS DEPT.

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Regular Meeting Agenda

Thursday, January 22, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR January/February 2004

January 01
Employment Committee Meeting
CANCELED

January 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Junary 14
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 21
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 11
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 18
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Individual Commissioner Reports on Community Activities
Discussion Item - No Attachment

REPORT OF THE DIRECTOR

5. Presentation of initial discussions of HRC Budget for fiscal year 2004-05
Discussion Item - No Attachment

ENVIRONMENTAL RACISM UPDATE

6. Approval of letter to the Board of Supervisors regarding shutting down PG&E power plant in Baview/Hunter's Point
Action Item - Attachment Provided

7. Approval of letter to the California Public Utilities Commission regarding funding for 2004-2005 energy efficient programs and studies
Action Item - Attachment Provided

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISITING LITIGATION-City as Defendant

8. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.
Action Item - No Attachment

Coral Construction, Inc. v. John L. Martin, City and County of San Francisco, et al, Court of Appeal of the State of California, First Appellate District, Division Four, Case No. A101842

-AND-

Schram Construction, Inc. v. City and County of San Francisco, et al, Superior Court of the State of California, County of San Francisco, Case No. CGC-03-421249

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

RECONVENE IN OPEN SESSION

9. **Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12**(a).
Action Item - No Attachment

EMPLOYMENT COMMITTEE

Commissioner Larry Lee, Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

10. **Report of November 6 and December 4 Meetings**
Discussion Item - No Attachment

ISSUES COMMITTEE

Commissioner Johnnie Rollins, Chair
Commissioner Haig Baghdassarian, Vice-Chair
Committee Staff: Carmen Hererra, Nichole Truax

11. **Report of November 12 and January 14 Meetings**
Discussion Item - No Attachment

LESBIAN GAY BISEXUAL TRANSGENDER ADVISORY COMMITTEE (LGBTAC)

Commissioner Theresa Sparks, Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

12. **Report of November 18 and December 16 Meetings**
Discussion Item - No Attachment

13. **Approval of resolution containing Intersex Task Force recommendations**
Action Item - Attachment Provided

14. **Approval of holding public hearing on Intersex concerns**
Action Item - No Attachment

MINORITY/WOMEN/LOCAL BUSINESS ENTERPRISE (M/W/LBE) ADVISORY COMMITTEE

Commissioner Charles Ward, Chair
Commissioner Khadoun Baghdadi, Vice-Chair
Commissioner Shirley Dimapilis, Vice-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

15. **Report of November 19 and December 17 Meetings**
Discussion Item - No Attachment

REGULAR BUSINESS

16. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

17. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

COMMISSION OFFICE

The Human Rights Commission office is located at, 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. The telephone number is 415-252-2500. The fax number is 415-431-5764 and the web address is www.sfhrc.org Office hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday.

COMMISSION MEETINGS

The Human Rights Commission meets twice monthly, on the second and fourth Thursday of every month, at 4:30 p.m., normally in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place, unless otherwise posted.

POLICY OF WRITTEN REPORTS

It is the policy of the Human Rights Commission that all items appearing on its agenda specify if there is an attachment for that item prepared by Commission or departmental staff. All documents referred to in any Agenda Document are posted adjacent to the Agenda, or if more than one (1) page in length, available for public inspection and copying at the Human Rights Commission office. Reports from City and County personnel supporting agenda items are submitted in accordance with the procedures established by the Executive Director. Reports not submitted according to procedures, in the format and quantity required, and by the deadline, will not be calendared.

POLICY AND PROCEDURE ON HEARING ITEMS OUT OF ORDER

Requests to hear items out of order are to be directed to the Commission Chair at the beginning of the agenda. The Chair will rule on each request. Such requests may be granted with mutual agreement among the affected parties. At the beginning of each meeting, the Chair will announce if the Commission will hear any other items out of order.

SPEAKING BEFORE THE HUMAN RIGHTS COMMISSION

Speaker cards are encouraged, but not required. The Commission will take public comment on all items not appearing on the agenda at the beginning of each meeting at the time the item is heard and prior to the Commission taking any action on the item. The Commission will take public comment on matters not on the Agenda, but within the jurisdiction of the Commission during the "Public Comment on Items Not on the Agenda" portion of the regular meeting. Maximum time will be three (3) minutes.

MEETING CONDUCT RULES FOR PUBLIC PARTICIPATION IN HRC MEETINGS

The following conduct rules are designated to ensure an open, fair and orderly process for public meetings of the HRC.

1. Please address your comments to the Commission and not to others in the room or audience.
2. Please adhere to our time limit of three (3) minutes. Exceptions may be requested by the Chair.
3. Please speak directly to the agenda/subject being discussed.
4. Please follow the order of speakers as determined by the Chair.
5. Please refrain from making distracting noises, clapping, cheering, jeering, etc.
6. The HRC respects the diversity of our City's residents. We strongly encourage speakers to refrain from encouraging in personal attacks, using foul language, social or ethnic slurs, etc.

Testimony may be discontinued if these rules are not followed.

POLICY ON WRITTEN SUBMISSIONS BY MEMBERS OF THE PUBLIC

All written material submitted by members of the public to be considered by the Commission in support of an agenda item shall be submitted to the Commission Secretary, no later than 5:00 p.m. on the fourth (4^{th}) business day preceding the Commission meeting for which the item is calendared (ordinarily, on 2^{nd} and 4^{th} Thursday of every month). Please provide a clean original on plain white 8 ½-inch X 11 inch paper. If you wish to bring supporting documentation to the Commission meeting, please submit to the Commission Secretary an original and fourteen (14) copies on plain white 8 ½-inch X 11 inch paper, three-hole punched on left margin, and page numbered in the bottom center margin, shall be provided. Written material

submitted for the Commission's review becomes part of a public record and shall be open for public inspection.

Policy on Tape Recording of Commission Meetings

As provided in the San Francisco Sunshine Ordinance, all Commission meetings are tape-recorded. These tape recordings of open sessions are available for public review starting on the day after the Commission meeting in the Commission office between 8:00 a.m.-5:00 p.m.

Policy on use of Cell Phones, Pagers and Similar Sound-Producing Electronic Devices at and During Public Meetings

The ringing and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

Disability Access

The Human Rights Commission normally meets in Room 416 (Fourth Floor) City Hall, 1 Dr. Carlton B. Goodlett Place. City Hall is wheelchair accessible. The closest accessible BART station is the Civic Center, located 2 ½ blocks from City Hall. Accessible MUNI lines serving City Hall are 47 Van Ness Avenue, 9 San Bruno and 71 Haight/Noriega, as well as the METRO stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call (415) 923-6142. Accessible curbside parking has been designated at points in the vicinity of City Hall adjacent to Grove Street and Van Ness Avenue, including the Civic Center Underground Garage. The following services are available upon request with 48-hour advance notice: American Sign Language interpreters, use of a reader during a meeting or sound enhancement system. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week. For American Sign Language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Commission office to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should call our the Commission Secretary at (415) 252-2500 to discuss meeting accessibility. In order to assist the City's efforts to accommodate such people, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Know your Rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, or to obtain a free copy of the Sunshine Ordinance, contact Donna Hall, Administrator of the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 409, San Francisco, CA 94102-4683 at (415) 554-7724, by fax: (415) 554-7854, by e-mail: Donna.Hall@sfgov.org, or on the City's website at www.sfgov.org/bdsupvrs/sunshine.

San Francisco Lobbyist Ordinance

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [San Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Ave., Suite 3900, San Francisco, CA 94102, telephone (415) 581-2300, fax (415) 581-2317 and web site http://www.sfgov.org/ethics/.

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Minutes

Regular Meeting
January 22, 2004
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Commissioner Chair Heinicke called the meeting to order at 4:35 p.m.

Commissioners Present
Malcolm A. Heinicke, *Chair*
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III (arr. at 4:51 p.m.)
Daniel Grossman (left at 6:16 p.m.)
Johnnie Rollins
Theresa Sparks

Commissioners Excused
Khaldoun Baghdadi
Larry Lee
Charles Ward

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin; James Fields; Cynthia Goldstein, Kabir Hypolite; Zula Jones; and Diana Rathbone.

Guests Present
Deputy City Attorney Catherine Barnes; Marcus Gonzalez (HRC Intern); Mhenaz Saiyed (HRC Intern); and Deputy City Attorney Sherri Sokeland Kaiser.

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

There was no public comment.

4. Individual Commissioner Reports on Community Activities

Chair Heinicke spoke about two items of correspondence he received. The first was the San Francisco Chronicle Newspaper's response to an article that Commissioner Ward spotted that described a restaurant thief as a "large African-American woman." The Chronicle's response via telephone and by letter was their admission that they had violated their own style book by using this woman's race as a descriptor when it was not pertinent or relevant to the story.

The second set of correspondence Chair Heinicke discussed were the letters he received in response to the environmental racism hearings held in the Bayview/Hunter's Point. One letter from the Department of Park and Recreation discussed their findings about the fish population caught off Candlestick Point, which were disturbing. Additionally, this letter stated that multilingual signage about the dangers of eating the fish caught there

has been provided to the San Francisco Department of Public Health and to the area of Candlestick Point. Chair Heinicke stated that he was proud of these accomplishments and asked that people share this information with the community.

Chair Heinicke noted that agency that he works for has received funding to create transitional housing in the Bayview/Hunter's Point. At the moment there are several unfurnished units and if anyone has any furniture or household items to donate, please contact him.

There was no public comment on this item.

5. Presentation of initial discussions of HRC Budget for fiscal year 2004-05

Director Harmon provided information regarding HRC budget for fiscal year 2004-05. She stated that the City is facing significant budget cuts this year ranging from 135 to 250 million dollars. The HRC has been asked to prepare specific departmental budget cuts inclusive of a 5% general fund cut which is mandatory for every department, as well as a 15% general fund contingency plan. The 5% mandatory cut is approximately $82,000 and the contingency plan is approximately $227,000. Director Harmon asked the Commission to consider participating in discussions about how the HRC should deal with some of the cuts. She clarified that our budget comes from two places, from the general fund and from work order funds. The proposed budget cuts will be affecting our general fund only. She reminded the Commissioners that the HRC had two layoffs last year and layoffs may be a possible again this year.

Commissioners Sparks and Grossman stated that they would like to be involved in the discussions regarding the HRCs budget cuts. Chair Heinicke asked about a timeline, and Director Harmon stated that the HRC is waiting for confirmation of the specific dollar amounts and one that is approved, cuts will have to be made shortly thereafter. She added that the HRC will have to submit its 15% contingency plan in March. She stated that she will return to the Commission with more information after receiving Commissioner input and recommendations on how the HRC should prioritize the cuts that need to be made.

There was no public comment on this item.

6. Approval of letter to the Board of Supervisors regarding shutting down PG&E power plant in Bayview/Hunter's Point

This item was tabled for the next regular Commission meeting.

There was no public comment on this item.

7. Approval of letter to the California Public Utilities Commission regarding funding for 2004-2005 energy efficient programs and studies

Diana Rathbone (HRC Staff), stated that she heard that there was some movement on the

multilingual signs. The multilingual sign has been posted at Candlestick Point, but has not yet been posted at Yosemite Slough. She stated that she spoke with various people who would like to request that this sign be posted in the South Basin. Chair Heinicke stated that his concern with the Slough is that the HRC knows that there are kids running and playing in the water, and felt that the signs should also include warnings about the toxicity of the water.

Ms. Rathbone stated that the City received $16.5 million dollars to assist with peak energy reduction programs. PG&E and the Department of the Environment (DoE) were given this money to distribute and they initially made the decision to give most of the money to the business district. Since then, the HRC has been instrumental in including single-family homes, multi-family homes and public housing in the Bayview/Hunter's Point as recipients of some of these monies.

The HRC was also instrumental in getting PG&E to combine the $16.5 million dollars with all of its other energy conservation program dollars. With this money, PG&E will be sending auditors out from home to home in the Bayview/Hunter's Point to perform an energy saving assessment in and provide each home with as many energy saving devices as possible. Ms. Ratbone stated that there had been a commitment that members of community would be trained and employed to do these audits, but to date, the audits have already begun and no one from the community has been trained. This is due to the state budget cuts to funding of training centers and all PG&E training centers in California have been shut down. The proposed letter for action addresses this issue.

Chair Heinicke stated that promised have been made and broken all too often to the people of the Bayview/Hunter's Point community and he wanted to make sure that the HRC be as creative as possible to find the funding for these trainings.

The letter to the Board of Supervisors regarding shutting down PG&E power plant in Baview/Hunter's Point was moved (Rollins), seconded (Grossman), and APPROVED by the following vote:

Ayes	7	Baghdassarian, Dimapilis, Grigg, Grossman, Heinicke, Rollins, Sparks
Noes	0	
Absent	3	Baghdadi, Lee, Ward

There was no public comment on this item.

8. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.

A motion was made (Heinicke) that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice

from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco. The motion was seconded (Grossman) and APPROVED by the following vote:

Ayes	7	Baghdassarian, Dimapilis, Grigg, Grossman, Heinicke, Rollins, Sparks
Noes	0	
Absent	3	Baghdadi, Lee, Ward

The members of the Human Rights Commission moved into closed session at 5:35 p.m. and entered into open session at 6:05 p.m.

9. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).

A motion was made to DISCLOSE NO INFORMATION (Dimapilis) of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a). The motion was seconded (Grossman) and APPROVED by the following vote:

Ayes	7	Baghdassarian, Dimapilis, Grigg, Grossman, Heinicke, Rollins, Sparks
Noes	0	
Absent	3	Baghdadi, Lee, Ward

There was no public comment on this item.

10. Employment Committee Report of November 6 and December 4 Meetings

Kabir Hypolite (HRC Staff) stated that the Committee has been focusing on employment contracting goals with regard to construction and received many presentations about various aspects of employment, contracting, and employment goals and the challenges to achieving those goals. Mr. Hypolite stated that there are many factors affecting employment goals, for example setting the goals, the demographics of the labor pool in San Francisco, the good-faith efforts of the contractors, city monitoring, union representation, and apprenticeship programs. The Committee found that apprenticeship programs are a successful key to members of disadvantaged neighborhoods and the Committee will continue to meet with other City departments, the Court and the PUC. Mr. Hypolite stated that Commissioner Lee has also asked for a mission statement for the Committee and the Committee will probably visit this issue within the next couple of meetings.

Commissioner Grigg noted that the upcoming Hetch Hetchy project will involve several million dollars of constructions projects and asked that the HRC begin now to strategize and recruit and train individuals to reach or exceed our goals.

Director Harmon that the HRC implements a diversity program under Chapter 12.B. places individuals on projects through community based organizations and with respect

to the PUC Hetch Hetchy program there is a program already established and individuals are currently being placed. Director Harmon suggested that a presentation of this program be placed on a future agenda.

There was no public comment on this item.

11. Issues Committee Report of November 12 and January 14 Meetings

Commissioner Rollins stated that the Committee was concerned about the HRC letter than went out to the San Francisco Chronicle because they had not yet received a response, but Commissioner Rollins will report back to the Committee that a response has been received by the Chair. Another item that the Committee discussed was the letter sent to MUNI regarding the driver who asked a young Indian woman to remove her traditional headdress so that he could ascertain her age. The MUNI driver was sent to MUNIs five-day "Ambassador Training Program" to engage in dialogue about communication, diversity, sensitivity, tolerance and stress. MUNI has not yet responded to the HRC letter so the Committee has decided to re-send the letter, asking MUNI to respond to us in writing. The Committee stated that Fair Housing is an issue that they wanted to commit to and received a report on the last Northern Fair Housing Commission Meeting. The Committee also planned what it could do during April for Fair Housing month. Commissioner Rollins noted that the Committee has gained three new members which has brought new energy and helps with making a quorum.

There was no public comment on this item.

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) Report of November 18 and December 16 Meetings

Commissioner Sparks provided a report on Committee activities for November 18 and January 20 and noted that there was no meeting on December 16. The November informational panel was on breast cancer but brought several issues affecting the LGBT community specifically the higher incidents of breast cancer in lesbian women than the general population because lesbian women are less likely to bear children and more likely to consume alcohol. The Committee also discussed the problem of homeless queer youth in our City. The Most Holy Redeemer Church hosts a dinner every Wednesday night for homeless queer youth and it is attended by 125-150 people and this number is rising by 5% a month. There is also a rising rate of transgender homeless youth in our community. The Committee has drafted a position paper on this subject and will present it to the Commission at a future meeting. Specific recommendations from this position paper include emergency housing, open housing, transitional housing and substance abuse.

There was no public comment on this item.

13. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) Approval of resolution containing Intersex Task Force recommendations

This item was tabled for the next regular Commission meeting.

There was no public comment on this item.

14. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC) Approval of holding public hearing on Intersex concerns

Commissioner Sparks asked the Commission to approve a public hearing on intersex concerns to take place on the second meeting in May, bringing the intersex community together with the ethical and medical community to discuss intersex issues.

Chair Heinicke noted that he will work with Commissioner Sparks, Commissioner Grossman and the Department of Public Health to schedule a date for this hearing. No action was taken on this item.

There was no public comment on this item.

15. Minority/Women/Local Business Enterprise Committee Report of November 19 and December 17 Meetings

James Fields stated that the December Committee meeting was canceled, but reported on the meetings of November 19 and January 21. The Committee discussed the issue of prevailing wage and found that the issue is not within the jurisdiction of the HRC. Chair Heinicke stated that the prevailing wage issue, like many issues affect people directly, was handled formally, with respect and dignity. Mr. Fields stated that the Committee has received applications to join the Committee and interviews will be conducted.

There was no public comment on this item.

16. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no commissioner discussion of matters of interest for possible inclusion of future agenda items.

17. Adjournment

There being no further business, the meeting was adjourned at 6:40 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Regular Meeting Agenda

Thursday, February 12, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR February/March 2004

February 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 11
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 18
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 17
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of January 08, 2004
   Action Item - Attachment Provided
   Present: T. Delgado

5. Approval of minutes of Commission Meeting of January 22, 2004
   Action Item - Attachment Provided
   Present: T. Delgado

REPORT OF THE CHAIR

6. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

7. Update on HRC Budget for fiscal year 2004-05
   Discussion Item - No Attachment

8. Presentation of 12.D.A. Waiver Report for January 2004
   Discussion Item - Attachment To Be Provided At Meeting
   Present: M. Kanios

9. Report on HRC Complaint Against Cirque du Soleil
   Discussion Item - Attachment Provided
   Present: L. Brinkin

10. Approval of HRC resolution supporting the creation of the Phillip and Sala Burton Center for Human Rights at the Presidio National Park
    Action Item - Attachment Provided

ENVIRONMENTAL RACISM UPDATE

11. **Approval of letter to the California Public Utilities Commission regarding funding for 2004-2005 energy efficient programs and studies**
Item Continued from 01-22-04 Commission Meeting
Action Item - Attachment To Be Provided At Meeting
Present: D. Rathbone

HRC DIVISION REPORT

12. **Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division**
An introduction to COLAGE: Children of Lesbians and Gays Everywhere
Discussion Item - Attachment Provided
Present: K. Hypolite

LESBIAN GAY BISEXUAL TRANSGENDER ADVISORY COMMITTEE (LGBTAC)

Commissioner Theresa Sparks, Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo

13. **Adoption of position paper on LGBTQ Homeless Youth**
Action Item - Attachment Provided
Present: L. Brinkin

REGULAR BUSINESS

14. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

15. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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Cirque offers to rehire gymnast with HIV

Rona Marech, Chronicle Staff Writer
Saturday, January 31, 2004
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URL: sfgate.com/article.cgi?file=/chronicle/archive/2004/01/31/BAG564M5EV1.DTL

Cirque du Soleil has offered to bring gymnast Matthew Cusick back to the stage, after protests around the country and a determination by the Equal Employment Opportunity Commission that it was likely that the Montreal-based company illegally discriminated against Cusick because he has HIV.

"They've found in our favor. They've credited Matthew's charge, and it's as strong as it could be," said Hayley Gorenberg, Cusick's lawyer at Lambda Legal, a Washington-based gay and lesbian civil rights group. "It sends a message reinforcing that employers can't engage in this kind of discrimination. "

Lambda Legal may still press ahead with a lawsuit, depending on whether Cirque agrees to change its policies about HIV-positive performers and whether the company makes Cusick a satisfactory offer in mediation, Gorenberg said. Cusick could not be reached for comment.

In a statement released late Thursday, Cirque said: "Cirque du Soleil will offer to reintegrate Matthew Cusick as a performer."

Cirque fired Cusick in April, just days before he was to begin performing in Las Vegas in acts on the Russian high bar, in which he would hang upside down and catch aerialists, and the Chinese poles, in which artists perform tricks on tall poles. Cirque contended at the time that its decision was made for safety reasons but said Cusick was eligible for other jobs that the company deemed less risky.

The San Francisco Human Rights Commission is conducting a separate investigation into whether Cirque violated city codes prohibiting job discrimination based on HIV status. Contract compliance officer Larry Brinkin said he is very satisfied with progress the panel has made in conversations with company representatives but will not close the case until Cirque has stated "clearly and strongly that in San Francisco all positions in Cirque du Soleil are open to anyone qualified regardless of what protected category they're in, including HIV status."

Because Cirque has leased property owned by the Port of San Francisco it must abide by city codes or risk fines, termination of its current contract or disbarment from future city contracts. Cirque, which sets up its blue- and yellow-striped tents in the parking lot of SBC Park when it's in town, has leased the space from the Giants for the past three years.

Representatives from Cirque and the Human Rights Commission have spoken at length, Brinkin said, and the company has shifted its position since the investigation opened.

"I have had several phone conversations with vice presidents at Cirque du Soleil saying their minds were changing. Based on discussions with us and research they've done on their own, they believe they absolutely could hire anyone with HIV to hold any position at Cirque du Soleil including the types of

positions Matthew was hired for," he said.

The Human Rights Commission is analyzing tapes of accidents at performances and rehearsals to determine if a Cirque performer with HIV could pose a safety risk, but Brinkin said he has viewed the tapes and is confident of the outcome of the research. "In all the years of the epidemic, which is more than 20 years, there has never been a known case of transmission through athletic competition or sports," he said.

Cusick, 32, has been working as a personal trainer in Maryland since his dismissal.

E-mail Rona Marech at rmarech@sfchronicle.com.

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Summary of the Two-Year Development Plan for the Phillip and Sala Burton Center for Human Rights at the Presidio National Park

"His (Congressman Phillip Burton) results – preservation of more wilderness than every Congress and president before him combined – have never been rivaled" – John Jacobs, *A Rage for Justice*, page XX

We are requesting a grant of $1 million to fund the Two-Year Development Plan for the Phillip and Sala Burton Center for Human Rights, a non-profit, community-based organization whose mission is to promote the role of international human rights, labor and environmental norms to enhance economic and social justice, locally, nationally and internationally by:

- Providing a forum for examining and promoting the role of international human rights, labor and environmental norms in our increasingly global economy,
- Promoting education about international human rights, labor and environmental norms to increase understanding of the relevance of these rights and norms in our daily lives through collaboration with local, national and international educational institutions, government agencies and non-governmental organizations,
- Supporting the training of human rights, labor, environmental and other professionals to monitor and promote international human rights, labor rights and environmental agreements and by developing an international network of non-governmental organizations committed to human rights, labor and environmental awareness and protections, and
- Supporting research initiatives to investigate the interdependence and interrelatedness of international human rights, labor rights and environmental norms and their role in enhancing security at the local, national and international levels.

The need for the Center was discussed by twenty-seven representatives of human rights, labor and environmental organizations, academia and business at a meeting hosted by the San Francisco Labor Council, AFL-CIO and the Sierra Club in December 2002. Several participants agreed to volunteer to draft a two-year development plan for the Center and formed an "ad-hoc steering committee*. The committee will administer the Center during its two-year launch and has applied to become a project of the Tides Center to secure non-profit status. The application has been approved pending funding.

The international human rights, labor and environmental norms adopted by the nations of the world in the past century provide a powerful framework to enhance economic and social justice at local, national and international levels. While this powerful framework exists, its impact is yet to be fully realized. On a national level, Americans generally have little understanding of the importance of international human rights, labor and environmental norms in their daily lives. This is surprising because distinguished Americans, like Samuel Gompers, Franklin and Eleanor Roosevelt, led the movement to create international norms and the institutions to promote and defend them. The need to promote these norms is particularly urgent in California, now the seventh largest world economy. More than 25% of the state's economy is tied to international trade, there are more than 2.5 million union members in California and more than 25% of its population was born in foreign lands, many seeking refuge from the scourge of war and human rights abuses.

The San Francisco Bay Area has a wealth of expertise in world-renowned universities, institutes and its vibrant non-profit and business communities. The Center plans to draw on this expertise to achieve its mission and goals. The Center will work to enhance the capacity of existing organizations focused on these issues by providing forums for them to learn from each other, from others throughout the world and to reach new audiences.
During its two-year launch, the Center will focus on (1) outreach to existing organizations in each of these areas – human rights, labor rights and environmental rights, (2) broadening awareness at the community level, and (3) facilitating needs assessments in these areas and initiating programs which respond to those findings.

*Alan Benjamin, Open World Forum; Connie de la Vega, Director, International Human Rights Clinic, University of San Francisco; Glen Galaich, Director, Human Rights Watch, California North; Bill Hough, Human Rights and Environment Committee, Sierra Club; Walter Johnson, San Francisco Central Labor Council, AFL-CIO; Michele Leighton, Co-founder and Director of International Programs, Natural Heritage Institute; Audrey Ogawa-Johnson, Global Compliance Department, GAP, Inc; John Rizzo, Chair, San Francisco Group, Sierra Club; Harvey Weinstein, Associate Director, Human Rights Center, University of California, Berkeley

[DRAFT RESOLUTION in support for a public/private funded, community-based human rights research, education and training center dedicated to the memory of Phillip and Sala Burton; presented to HRC Commissioners for possible approval on January 22, 2004]

WHEREAS, the United States has recently rejoined the United Nations Educational, Scientific and Cultural Organization that states in its constitution: That since wars begin in the minds of men it is in the minds of men that we must build the ramparts for peace; and

WHEREAS, President J.F. Kennedy in a speech at the American University in June 1963 stated: "and is not peace in the last analysis, basically a matter of human rights - the right to live our lives without fear of devastation - the right to breathe air as nature provided it - the right of future generations to a healthy existence."; and

WHEREAS, it is in the national security interest of the United States to investigate the relationship between international human rights, labor and environmental norms and peace and to promote and enhance economic and social justice locally, nationally and internationally; and

WHEREAS, The San Francisco Bay Area has a wealth of talent and resources in its world renowned universities, colleges and institutes, vibrant non-profit and business communities, to make major contributions to this urgent need to enhance our national security and to defend and protect human rights locally, nationally and internationally; and

WHEREAS, Representatives of San Francisco Bay Area human rights, labor and environmental organizations have drafted a Two-year Development Plan for a community-based human rights research, education and training center dedicated to the memory of Phillip and Sala Burton and are seeking a federal appropriation of $1 million in fiscal-year 2005 to launch the Center and are acting seeking private funding; and

[DRAFT RESOLUTION in support for a public/private funded, community-based human rights research, education and training center dedicated to the memory of Phillip and Sala Burton; presented to HRC Commissioners for possible approval on January 22, 2004]

WHEREAS, Phillip and Sala Burton represented San Francisco in Congress for more than twenty-five years and dedicated their lives to promoting international human rights, labor and environmental norms to enhance social justice locally, nationally and internationally and sponsored the legislation that assured that the Presidio of San Francisco would become a national park when it was declared surplus to the needs of the Army.

THEREFORE LET IT BE RESOLVED that the San Francisco Human Rights Commission supports the Two-Year Development Plan for the Phillip and Sala Burton Center for Human Rights at the Presidio National Park.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 12th day of February, Two-thousand and four.

APPROVED AS TO FORM:

MALCOLM A. HEINICKE, HRC Commission Chair

By: _____

TONI A. DELGADO

Commission Secretary

Children of Lesbians And Gays Everywhere

Support and activism by and for people with lesbian, gay, bisexual, and transgender parents

OUR MISSION

COLAGE engages, connects, and empowers people to make the world a better place for children of lesbian, gay, bisexual, and transgender parents.

Programs & Activites

Regional and Local Chapters for Youth and Adults
Support Groups
Annual Family Weeks
After School Programs
International Publication: *Just for Us*
Email Discussion Groups
Award Winning Website
Information and Resource Referral
Pen Pal Program
Summer Internships
Scholarship for Undergraduate Students
Net News Email Update Lists
Youth Leadership Training and Action program

OUR VISION

We envision a world in which all families are valued, protected, reflected, and embraced by society and all of its institutions; in which all children grow up loved and nurtured by kinship networks and communities that teach them about, connect them to, and honor their unique heritage; and in which every human being has the freedom to express sexual orientation, gender identity, and self.

We envision being part of large movements to heal and transform all forms of oppression, discrimination, bigotry and hatred in the hearts and minds of the members of our societies; as well as in school systems, mental and physical health systems, media, legislatures, legal systems, and all religious institutions.

We envision a world in which those of us with lesbian, gay, bisexual and/or transgender parents or families are connected to a broad community of peers and mentors, are recognized as the authority of our experiences, belong to respected and valued family structures, and have the tools and support to create a just society.

COLAGE Program Information

Website

We have many resources, reading materials, kids' personal stories, and more on our website: www.colage.org. We have a page with personal accounts from kids with LGBT parents about their experiences at www.colage.org/online-interview

Just For Us

COLAGE publishes a quarterly publication called *Just For Us*. This resource contains articles written by and for people with LGBT parents and their families. Topics include school, religion, coming out issues, and lots more. This is also a great source of up to date information about the organization. When you sign up as a member of COLAGE, you automatically receive Just For Us. You can sign up for membership at http://www.colage.org/join.html

Resource Lists

COLAGE offers lists of books and videos for younger kids, older kids, and parents at www.colage.org/resources.html. Some of these books and videos can be ordered directly from us, or can be found at your favorite local or online bookstore.

Net News Lists

COLAGE maintains two email newslists which contain information about COLAGE events, action alerts, important news, and more. You can choose between our National, or Bay Area lists, or sign up for both! These lists receive no more than one email weekly. To subscribe go to www.colage.org/online-resources.html.

Pen Pals

In the COLAGE Pen Pal program, we match up pairs of kids with LGBT parents so they can write and/or email about their experiences and make a new friend. Find the application online at www.colage.org/kids/penpals.html, send an email to *penpal@colage.org*, or send a letter to COLAGE Pen Pal Program, 3543 18th Street #1, San Francisco, CA 94110.

Email Discussion Lists

COLAGE sponsors three main email discussion lists. Each one is for a specific age group- elementary school, middle school, and 14 years old and up. These lists are moderated by adult COLAGrs. You can sign up for either list at www.colage.org/online-resources.html

Family Weeks

COLAGE organizes two annual Family Weeks in July and August with the Family Pride Coalition in Saugatuck, MI and Provincetown, MA. Family week is a special gathering for LGBT parents, youth, and adults of all ages. Individuals and families join us from all over the US and some come from as far as China and Sweden. Stay tuned to our website for information about this years' events.

Scholarship

Each year COLAGE, in collaboration with Family Pride Coalition offers the Lee Dubin memorial scholarship for kids of LGBT parents. Applications are due the third Friday in April. For more information visit http://www.colage.org/scholarship.html

Children Of Lesbians And Gays Everywhere

Support and activism by and for people with lesbian, gay, bisexual, and transgender parents

Recent Accomplishments

BUILDING COMMUNITY

*COLAGE Bay Area provided social and peer-led support to over 60 youth with LGBT parents through our Middle School Group, East Bay COLAGE Crew, Second Tuesday Family Nights, YLAP and special events. Over40 chapters of COLAGE around the country provided diverse events ond groups for youth with LGBT parents.

*COLAGE provided educational workshops, peer support groups, social activities, and activism opportunities to over 150 youth at two national Family Weeks in Michigan and Massachusetts.

*COLAGE connected over 250 youth with LGBT parents from around the world with pen pals, allowing them to share their unique experiences and challenges while building community.

* COLAGE introduced new resources for people with LGBT parents, LGBT parents, and allies including, the *Respect All Families* poster series, *That's So Gay: Portraits of Youth with LGBT Parents,* an updated Transgender Family Resource Sheet, Steps for Making Schools Safer for Youth with LGBT Parents, Tips for Coming Out to Your Kids, a new COLAGE Chapter Guide, and a new online discussion resource for Second Generation COLAGErs.

EMPOWERING YOUTH

*COLAGE debuted the Youth Leadership and Action Program in the Bay Area. 15 youth ages 14-22 with LGBT parents participated in this leadership and activism skill building program selecting the projects they wanted to do to raise awareness. The group designed the *Respects All Famliies* posters series, created *That's So Gay: Portraits of Youth with LGBT Parents*, an educational art show, and spoke to over 3000 students, teachers, LGBT parents, and others about LGBT families and tolerance as part of their education and visibility campaign.

*COLAGE awarded five young adults with LGBT parents scholarships to support their undergraduate education through the Lee Dubin Scholarship Program in partnership with the Family Pride Coalition. One of the winners, Morgan Early, was active in COLAGE YLAP, is the daughter of a lesbian mom and two gay dads and now attends UCLA.

USING EDUCATION AND ADVOCACY TO PROMOTE CHANGE

*COLAGE continues its extensive work to promote positive images of youth with LGBT parents in the media. *Newsweek*,The ABC Family Channel, the Montel Williams Show, *And Baby Magazine*, *The Advocate*, the NPR affiliate station in Boston, and *Venus* are just a few of the media outlets that COLAGE worked with in the past 12 months.

*The Visibility Campaign that resulted from YLAP's efforts includes an effort to disseminate 8000 of the posters in schools, community centers, organizations and other locations around the country.

*COLAGE has engaged in advocacy work throughout the past year. We lobbied around several pieces of legislation affecting LGBT families in California, including the passage of AB 205, promoted Civil Marriage for same gender couples in Massachusetts and to fight homophobic legislation in Texas. COLAGE participated with the National Safe Schools Coalition, the National Policy Roundtable, the Family Policy Working Group and other national advocacy coalitions.

"COLAGE has impacted & affected our lives in such a beautiful & positive way. We have learned and gained so much from workshops & our new friends that we are motivated & empowered to take our newfound knowledge and spread it all around in our communities and schools." Christine and Hope, age 16

"COLAGE has provided a total breakthrough in my teenage son's self-confidence and outlook about being "out" about his family. He has clearly enjoyed his own liberation from fear." Marc, a gay father

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

D R A F T

A CRISIS IN THE COMMUNITY: LESBIAN, GAY, BISEXUAL, TRANSGENDER, QUEER, & QUESTIONING HOMELESS YOUTH

February 12, 2004

The Lesbian Gay Bisexual Transgender Advisory Committee of the City and County of San Francisco Human Rights Commission recently hosted a panel discussion regarding a crisis in San Francisco – the growing population of lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQQ) homeless youth.

LGBTQQ youth grow up in a culture in which they are bombarded by messages of heterosexism, transphobia, biphobia, and homophobia. LGBTQQ youth often hear and see these messages from families, schools, peers, movies, music, television, books, political organizations, newspapers, public figures, and religious institutions. Learning to feel ashamed, isolated, and fearful can prevent LGBTQQ youth from discovering who they are and may lead to depression, suicide, substance abuse, and lack of self-confidence. LGBTQQ youth need to feel safe, feel supported, and to know they are not alone.

Many LGBTQQ youth have been thrown out of their homes, made fun of and beaten up in schools, harassed and discriminated against on their jobs, and subjected to psychiatric abuse because of their sexual and gender identities. By running away to San Francisco where the LGBT community is renowned for its political, social and cultural success, they hope to find acceptance and safety. But too often the economic barriers to establishing themselves here prove initially insurmountable. Unwilling or unable to return to the rejecting homes and communities they left behind, they will stay without knowing where they will spend the night, when they will eat again, and whether they will need to sell their bodies for survival. Before long, new obstacles, e.g. drug use, disease, criminal records for "quality of life" offenses, may make their successful integration into the larger civic community more and more difficult to achieve. The legal and medical resources they require become more complex and costly, and the outcome by age 30 may be imprisonment, permanent medical disability, or death by violence, illness or suicide.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
http://www.sfhrc.org

As detailed below, LGBTQQ youth often become homeless in San Francisco for a variety of reasons, among which are the lack of resources to assist them, exploitation by predators, substance abuse, lack of affordable housing, bureaucratic and financial barriers to health care, and lack of self-esteem. The vulnerability of LGBTQQ youth is especially severe when they first arrive in San Francisco only to find that there are few resources for them. It is crucial that they receive support and resources right away so they can resist attempts at exploitation.

CONCERNS

Experts on LGBTQQ homeless youth recently presented testimony to the Human Rights Commission's LGBT Advisory Committee. Additionally, the committee heard a significant number of personal experiences presented by homeless LGBTQQ youth residing in San Francisco. The testimony led to the Human Rights Commission identifying the following concerns:

1. Homeless LGBTQQ youth have few personal resources. They typically have little or no money, no family assistance, few possessions or clothing.

2. There are very few community or City resources dedicated to LGBTQQ homeless youth, and those are almost exclusively dedicated to teens. For young people 19 to 28, for whom shelter and employment are more pressing concerns even than education, no specific programs exist.

3. When homeless LGBTQQ youth are ready for personal change, whether to (a) conquer and overcome substance abuse, (b) go back to school, or (c) secure employment, it is critically important to assist them right away as soon as they arrive in San Francisco and while the desire and the trust are there.

4. Many of the problems encountered by LGBTQQ youth are the same problems as other homeless people, poor and working people, and young people; i.e., the prohibitively expensive cost of living in San Francisco.

5. San Francisco is a beacon for LGBTQQ youth, who often see the city as their only and last hope. They have fled domestic violence, abuse, hate crimes, and involuntary institutionalization.

6. Many LGBTQQ homeless youth acquire criminal records from just trying to survive. Once they become entangled in the juvenile justice and law enforcement systems, they are afraid that any action, any call for help, any attempt at confronting their demons, will lead them back into the hands of law enforcement. Hence they often will refuse assistance requiring measures such as registration and fingerprinting.

7. Adults sometimes take advantage of homeless and runaway youth, including exploiting them sexually and furnishing them with drugs.

8. Many LGBTQQ youth resort to sex work to survive. Sex work often is the only alternative given their unemployability because of lack of education and resources.

9. LGBTQQ homeless youth often suffer from illnesses including STDs, HIV, skin lesions and needle abscesses, and substance abuse. They sometimes have trouble receiving adequate and consistent care, and lack instruction, support, and resources for maintaining good health.

10. LGBTQQ youth have a higher risk of suicide than heterosexual youth.

11. LGBTQQ homeless youth often are targets for violence. The serious problem in San Francisco of violence against the LGBT communities is worse for homeless youth who are visible and often looked down on, and who lack trust in law enforcement as a means of protection.

12. Homeless LGBTQQ youth face many challenges in securing and maintaining employment. They often lack training and education, do not have proper clothing for interviews, do not own tools or supplies required by some employers, and have trouble getting to an interview or job on time due to being homeless.

13. Barriers faced by homeless LGBTQQ youth in finding a place to live in the expensive San Francisco housing market include lack of funds for deposits and monthly rent, lack of legal emancipation for those under 18, and landlord bias.

14. LGBTQQ homeless youth in the Castro are residents of the Castro. There are some residents and merchants in the Castro neighborhood, as in any neighborhood in San Francisco, who only recognize residency for people with homes.

15. LGBTQQ youth usually do not feel safe at adult homeless shelters because they fear becoming targets of violence, harassment, sexual assault, and thievery.

16. There is no drop-in or temporary facility in the Castro for LGBTQQ youth. Attempts at creating such facilities have been met with resistance from some Castro merchants and residents.

17. Services that exist for LGBTQQ youth, including Dimensions, Ark House, Metropolitan Community Church, Most Holy Redeemer Church, and LYRIC have very limited funding and ability to serve LGBTQQ homeless youth.

18. LGBTQQ homeless youth usually do not feel welcome and safe at community youth service providers in San Francisco. Many of the experiences they suffered in their hometown schools, such as being made fun of and becoming targets of bullies, are duplicated in youth programs.

19. Many LGBTQQ homeless youth take crystal methamphetamine to stay awake all night, being afraid to sleep when it's dark because of theft and sexual assault.

20. Though substance abuse treatment on demand is crucial for recovery, it is rarely available in San Francisco.

21. Residential treatment for substance abuse, when it can be found, is usually a 30-, 60-, or 90-day program. Because of the extremely limited availability of longer-term transitional housing, homeless youth post-treatment are likely to find themselves on the streets again, subject to the same conditions and pressures that gave rise to their drug use in the first place.

22. Transgender homeless youth face additional discrimination, lack of understanding, and lack of services, especially those affording privacy in showering and dressing.

23. Transgender homeless youth need medical advice and assistance. They often take hormones they bought on the streets and administer themselves.

24. Many services are segregated by sex, creating unsafe situations for transgender youth.

25. LGBTQQ homeless youth lack safe opportunities for socialization. Homelessness often leads to isolation, especially from other LGBTQQ youth.

26. LGBTQQ homeless youth lack safe and secure places to store their belongings.

27. Housing, medical care, job training, and employment opportunities especially are needed.

28. LGBTQQ homeless youth suffer multiple oppressions, including lack of housing and regular meals, exploitation, lack of education and social services, poor health, and substance abuse. They must go to numerous locations to access services, since currently none is specific or comprehensive.

RECOMMENDATIONS:

To alleviate these conditions, the Human Rights Commission recommends the following:

1. Provide beds in facilities in various neighborhoods, particularly the Castro, Polk Gulch, the Tenderloin, and the Mission, for emergency use by LGBTQQ youth who have nowhere to sleep.

2. Create transitional housing for LGBTQQ youth in the Castro, to include beds, storage lockers, showers, and social, medical, educational, and rehabilitation services. This will involve securing funding (city, state, and federal) and grants. A suitable building must be

found. Cooperation and support of Castro merchants and residents must be secured. The goal will be re-entry into independent living.

3. Provide education and training for homeless LGBTQQ youth. It is crucial that these young people receive the education and training they need to secure employment and opportunity. Classes, job readiness training (interviewing, dressing, etc.), skill building, seminars, apprenticeships, and GED preparation are examples of educational programs that are crucial.

4. Educate the LGBT community that LGBTQQ youth, including homeless youth, are part of the LGBT community, deserve its support and respect, and need adult mentors and role models. Creative solutions that assist LGBTQQ homeless youth while at the same time making them feel welcome in the Castro and other communities is good for the youth, good for their neighbors, and good for business.

5. Developing mentoring programs within the LGBT communities.

6. Create programs for LGBTQQ youth in "life skills," e.g., how to survive economically, how to live successfully with housemates, how to honor commitments, how to manage a bank account, how to interview for a job, how to dress for a job or a job interview, how to manage health and safety, how to combat loneliness, how to achieve greater confidence and self-esteem, etc.

7. Provide greater avenues for LGBTQQ youth to live in foster homes with LGBT and LGBT-sensitive foster parents.

8. Include LGBTQQ youth with emergency needs in transitional housing programs.

9. Increase outreach efforts to LGBTQQ homeless youth for services that are available.

10. Create group homes and train LGBTQQ youth to run them.

11. While transitional housing is being planned for and being built, respond to the immediate, current, and short-term needs of LGBTQQ homeless youth.

12. Work with the LGBT Community Center to augment services for LGBTQQ homeless youth; e.g., offering lockers.

13. Increase sensitivity of youth services programs regarding LGBTQQ youth, and create zero-tolerance policies for homophobia and transphobia for employees and participants.

14. Provide magazines and posters with LGBTQQ imagery and materials in waiting rooms and treatment offices in youth services program facilities.

15. Educate the LGBT communities about the serious problems of sexual and drug exploitation of youth.

16. Provide training to LGBT youth, including those who are homeless, in how to resist sexual exploitation and drug abuse.

17. Secure more funding for substance abuse treatment on demand, including youth-specific programs and dedicated beds for youth in existing programs that are not age-specific.

18. Assure that services such as rest rooms are available for LGBTQQ homeless youth while construction is taking place at the Eureka Valley Recreation Center.

19. Assure that abscesses and skin lesions receive thorough attention and follow-up care at San Francisco General Hospital, especially in light of the increasing prevalence of communicable antibiotic-resistant staph infections.

20. Appoint a San Francisco Police Department liaison to the youth population in neighborhoods such as the Castro, Polk Gulch, and Tenderloin.

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Minutes
Regular Meeting
February 12, 2004

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City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Acting Chair Sparks called the meeting to order at 4:35 p.m.

Commissioners Present
Khaldoun Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III (arr. at 4:43 p.m.)
Larry Lee
Theresa Sparks
Charles Ward

Commissioners Excused
Malcolm A. Heinicke, *Chair*
Daniel Grossman
Johnnie Rollins

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin; Melinda Kanios; Veronica Ng and Diana Rathbone.

Guests Present
Deputy City Attorney Catherine Barnes

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

There was no public comment.

4. Approval of minutes of Commission Meeting of January 08, 2004

The minutes of the January 08, 2004 Commission meeting was moved (Lee), seconded (Ward) and APPROVED by the following vote:

Ayes	7	Baghdadi, Baghdassarian, Dimapilis, Grigg, Lee, Sparks, Ward
Noes	0	
Absent	3	Grossman, Heinicke, Rollins

There was no public comment on this item.

5. Approval of minutes of Commission Meeting of January 22, 2004

The minutes of the January 22, 2004 Commission meeting was moved (Dimapilis), seconded (Lee) and APPROVED by the following vote:

Ayes	7	Baghdadi, Baghdassarian, Dimapilis, Grigg, Lee, Sparks, Ward
Noes	0	
Absent	3	Grossman, Heinicke, Rollins

There was no public comment on this item.

6. Individual Commissioner Reports on Community Activities

Acting Chair Sparks noted that today, San Francisco has become the first City in the United States to marry same-sex couples.

There was no public comment on this item.

7. Update on HRC Budget for fiscal year 2004-05

Director Harmon stated that the City is currently projecting a deficit for this year. She and Joyce O. Smith met with the Commissioners Heinicke and Sparks to discuss some of the priorities in dealing with the budget cuts that the HRC is anticipating. Director Harmon stated that she will be holding additional meetings and will report back to the Commission. She encouraged the Commissioners to attend those meetings if interested.

Commissioner Ward stated that City Commissioners receive City benefits, and noted that most Commissioners have benefits through their employers. In an effort to save money, Commissioner Ward wondered how much money would be saved if benefits were not offered to all City Commissioners.

Acting Chair Sparks stated that although she utilizes the City benefits, she would support this move, but noted that, given such a small number of Commissioners, the financial savings may not be much but it would make a symbolic difference.

Director Harmon said that she could raise this issue with the Mayor's Budget Office.

Commissioner Baghdassarian stated that not offering benefits may have a negative impact on some people and thought a more palatable alternative would be to campaign that all City Commissioners to voluntarily forego their access to City benefits. Commissioner Lee agreed with Commissioner Baghdassarian.

There was no public comment on this item.

8. Presentation of 12.D.A. Waiver Report for January 2004

Melinda Kanios (HRC Staff) presented the Commissioners with the 12.D.A. Waiver Report for January 2004.

There was no public comment on this item.

9. Report on HRC Complaint Against Cirque du Soleil

Larry Brinkin (HRC Staff) stated that this complaint has been one of the success of the

Commission as it has been so well publicized. He provided the background of this particular complaint where Matthew Cusick, an HIV positive employee of Cirque du Soleil was fired because of his HIV status. Cirque du Soleil offered less risky jobs to Mr. Cusick, but would not let him perform as an acrobat for heath and safety reasons. The HRC filed a complaint against Cirque du Soleil, who regularly leases property at Pac Bell Park, on behalf of the City stating that they were in violation of Chapter 12.B which holds that you cannot discriminate against your employees if you use City property. This complaint opened the doors of communication between the HRC and the Vice President of Cirque du Soleil and has led to voluntary non-discriminatory policy changes at Cirque du Soleil which included all of the HRC protected classes as well as the offer to re-hire Mr. Cusick.

Commissioner Grigg hoped that the HRC, through public notice, also commend Cirque du Soleil for being so compliant as well as genuinely concerned to do the right thing. Mr. Brinkin stated that the HRC will be issuing a public statement praising Cirque du Soleil for their efforts as well as commending Matthew Cusick for his courage to be honest about himself, to come forward and deal with this in such a public manner.

There was no public comment on this item.

10. Approval of HRC resolution supporting the creation of the Phillip and Sala Burton Center for Human Rights at the Presidio National Park

This item was tabled for the next Commission meeting.

There was no public comment on this item.

11. Approval of letter to the California Public Utilities Commission regarding funding for 2004-2005 energy efficient programs and studies

Diana Rathbone (HRC Staff) presented the revised letter from the last meeting which included Commissioner edits. This letter discusses the shutting down of PG&E power plant in 2005 and the concern that PG&E will attempt to upgrade the plant so that it can continue to operate past 2005. This letter urges the Board of Supervisors to create official City policy to refuse any such requests for upgrade permits for the PG&E Plant.

Acting Chair Sparks inquired about physical placement the two replacement combustion engine peaker plants. Ms. Rathbone stated that PG&E has bought land and is determined to put the small plants in Protero Hill, but there is community planning and input being gathered about the exact placement of these plants.

Commissioner Ward asked that the HRC also send a letter to the Mayor, asking him to support the HRC's encouragement to the Board of Supervisors. Director Harmon stated that a draft letter will be prepared for the Commission approval at the next Commission meeting.

The letter to the California Public Utilities Commission regarding funding for 2004-2005 energy efficient programs and studies was moved (Dimapilis) seconded (Baghdassarian)

and APPROVED by the following vote:

Ayes	7	Baghdadi, Baghdassarian, Dimapilis, Grigg, Lee, Sparks, Ward
Noes	0	
Absent	3	Grossman, Heinicke, Rollins

There was no public comment on this item.

12. Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division
An introduction to COLAGE: Children of Lesbians and Gays Everywhere

Meredith Fenton from Children on Lesbian and Gays Everywhere (COLAGE) provided the Commission with support to children of LGBT children and families. Ms. Fenton stated that COLAGE is a national organization, founded in 1990, based in San Francisco working for youth of gay, lesbian or transgender parents. Programs focus on support, education and advocacy. In debates on LGBT families, many people ask about the welfare of the child and COLAGE is a group of children of gay, lesbian or transgender parents who can speak about these issues and advocate for the rights of their families. COLAGE provides presentations to elementary, high school and college age students of how homophobia affects those who love and have LGBT families. A group of 14-22 children at COLAGE are concerned about their treatment in school and would welcome stronger enforcement policies ensuring that all teachers and administration are able to address incidents of homophobia. Ms. Fenton hoped that COLAGE could partner with the HRC in the sponsorship of events regarding the LGBT community and their families. Ms. Fenton distributed additional materials (see attached).

Acting Chair Sparks asked that COLAGE be placed on the LGBT Advisory Committee to discuss the topics that Ms. Fenton had suggested and how the HRC can work with COLAGE.

There was no public comment on this item.

13. Adoption of position paper on LGBTQ Homeless Youth

Larry Brinkin (HRC Staff) presented the Commission with LGBT Homeless Youth, stating that there are very few services or safe places for LGBT homeless youth and the HRC has authored this position paper to distribute among City Officials to share recommendations to alleviate this situation. Supervisor Dufty has convened a Task Force on this issue and the adoption of this paper will be helpful toward his efforts.

Commissioner Baghdassarian stated that the recommendations contained in this position paper seem ambitious given the budget situation that the City is currently facing and asked if the HRC would be central in implementing these recommendations? Mr. Brinkin stated that the HRC will implement and follow-up on these recommendations, and Acting Chair Sparks added that services will be provided by a community based effort.

The position paper on LGBTQ Homeless Youth was moved (Dimapilis) seconded (Lee) and

APPROVED by the following vote:

Ayes	7	Baghdadi, Baghdassarian, Dimapilis, Grigg, Lee, Sparks, Ward
Noes	0	
Absent	3	Grossman, Heinicke, Rollins

There was no public comment on this item.

14. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

There was no public comment on this item.

15. Adjournment

There being no further business, the meeting was adjourned at 5:23 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, February 26, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

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HRC CALENDAR February/March 2004

February 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 11
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 12
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

February 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 18
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

February 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 17
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

FEBRUARY: BLACK HISTORY MONTH

4. Presentation on Observance of Black History Month from San Francisco African-American Historical and Cultural Society
   Discussion Item - No Attachment
   Present: F. Anderson

APPROVAL OF MINUTES

5. Approval of minutes of Commission Meeting of February 12, 2004
   Action Item - Attachment Provided
   Present: T. Delgado

REPORT OF THE CHAIR

6. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

7. Presentation on update to HRC Website of Implementation of Searchable Database for Certification and EBO Insurers
   Discussion Item - No Attachment
   Present: M. Cordero and C. Goldstein

8. Approval of HRC resolution supporting the creation of the Phillip and Sala Burton Center for Human Rights at the Presidio National Park
   Action Item - Attachment Provided

ENVIRONMENTAL RACISM UPDATE

9. Approval of letter to Mayor Gavin Newsom regarding shutting down PG&E power plant in Baview/Hunter's Point
Action Item - Attachment Provided
Present: D. Rathbone

HRC DIVISION REPORT

10. **Equal Opportunity (EO) Division**
Presentation on January 28, 2004 Certification Workshop on Informal Contracting
Discussion Item - No Attachment
Present: M. Cordero

COMMITTEE REPORTS

11. **Employment Committee: Report of February 05, 2004 Meeting**
Discussion Item - No Attachment
Commissioner Larry Lee, Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

12. **Issues Committee: Report of February 11, 2004 Meeting**
Discussion Item - No Attachment
Commissioner Johnnie Rollins, Chair
Commissioner Haig Baghdassarian, Vice-Chair
Committee Staff: Carmen Hererra, Nichole Truax

13. **Approval of MUNI Follow-Up letter (Issues Committee)**
Discussion Item - Attachment provided

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISITING LITIGATION-City as Defendant

14. **Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.**
Action Item - No Attachment

Williams v. City and County of San Francisco, et al, U.S. District Court, Case No. C00 4728

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and

unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

RECONVENE IN OPEN SESSION

15. **Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).**
Action Item - No Attachment

REGULAR BUSINESS

16. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

17. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures
The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access
The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance
Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements
Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

SAN FRANCISCO

City and County of San Francisco
Office of the Mayor

Mayor Commemorates Black History Month

FOR IMMEDIATE RELEASE:
Monday, February 2, 2004
Contact: Mayor's Press Office
415-554-6131

NEWSOM JOINS SAN FRANSICANS IN THE COMMEMORATION OF BLACK HISTORY MONTH

SAN FRANCISCO, CA - Mayor Newsom joins San Franciscans in the commemoration of Black History Month. Since 1976, the month of February has been a time to celebrate and examine the rich history and cultures developed by people of African descent. Additionally, individuals and organizations have recognized the positive contributions made by people of African decent and have developed constructive activities that disseminate materials on the African Diaspora to the public.

"As we begin the celebration of Black History month, let us use this opportunity to continue educating and inspiring San Franciscans about the contributions that African-American's have made in our society," said Mayor Newsom. "African-Americans have played a major role in the development of our country, in multitude of industries. From significant inventions and discoveries, to creating great works of art, and excelling in science, music, literature, medicine and sports, we must recognize their achievements and acknowledge the barriers they encountered in their quest for equality."

Every year, San Franciscans join the rest of the country to celebrate the month of February with various festivities honoring African-American history and leaders. "I've always said that San Francisco is a city of freedom, tolerance, creativity, and diversity, and I commend San Franciscans who continue to educate our community about the importance and sensitivity of the array of cultures that makes up our great city," said Mayor Newsom.

# # #

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[DRAFT RESOLUTION in support for a public/private funded, community-based human rights research, education and training center dedicated to the memory of Phillip and Sala Burton; presented to HRC Commissioners for possible approval on February 26, 2004]

WHEREAS, the United States has recently rejoined the United Nations Educational, Scientific and Cultural Organization that states in its constitution: That since wars begin in the minds of men it is in the minds of men that we must build the ramparts for peace; and

WHEREAS, President J.F. Kennedy in a speech at the American University in June 1963 stated: "and is not peace in the last analysis, basically a matter of human rights - the right to live our lives without fear of devastation - the right to breathe air as nature provided it - the right of future generations to a healthy existence."; and

WHEREAS, it is in the national security interest of the United States to investigate the relationship between international human rights, labor and environmental norms and peace and to promote and enhance economic and social justice locally, nationally and internationally; and

WHEREAS, The San Francisco Bay Area has a wealth of talent and resources in its world renowned universities, colleges and institutes, vibrant non-profit and business communities, to make major contributions to this urgent need to enhance our national security and to defend and protect human rights locally, nationally and internationally; and

WHEREAS, Representatives of San Francisco Bay Area human rights, labor and environmental organizations and academic and business community have drafted a Two-year Development Plan for a community-based human rights research, education and training center dedicated to the memory of Phillip and Sala Burton and are seeking a federal appropriation of $1 million in fiscal-year 2005 to launch the Center and are actively seeking private funding; and

[DRAFT RESOLUTION in support for a public/private funded, community-based human rights research, education and training center dedicated to the memory of Phillip and Sala Burton; presented to HRC Commissioners for possible approval on February 26, 2004]

WHEREAS, Phillip and Sala Burton represented San Francisco in Congress for more than twenty-five years and dedicated their lives to promoting international human rights, labor and environmental norms to enhance social justice locally, nationally and internationally and sponsored the legislation that assured that the Presidio of San Francisco would become a national park when it was declared surplus to the needs of the Army.

THEREFORE LET IT BE RESOLVED that the San Francisco Human Rights Commission supports the Two-Year Development Plan for the Phillip and Sala Burton Center for Human Rights at the Presidio National Park.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 26th day of February, Two-thousand and four.

APPROVED AS TO FORM:

MALCOLM A. HEINICKE, HRC Commission Chair

By: _____

TONI A. DELGADO

Commission Secretary

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

February 26, 2004

The Honorable Gavin Newsom
Mayor
Room 200, City Hall
1, Dr. Carleton B. Goodlett Place
San Francisco Ca 94102-4689

Re: Shutting Down PG&E's Power Plant in Bayview/Hunters Point

Dear Mayor Newsom:

In a recent letter, the Human Rights Commission urged the Board of Supervisors to oppose any efforts by PG&E to obtain permits to upgrade, retrofit or obtain emission reduction credits for the Hunters Point plant that would extend its operation beyond 2005, the year that its current permits expire. We hope that we can count on your support in this important matter.

The closure of the plant is an issue of environment justice. As you are well aware, Bayview/ Hunters Point, an impoverished community of color, has born the brunt of the pollution created by the City's energy needs for the better part of a century. Built in 1929, the Hunters Point Plant is one of the oldest and dirtiest in the state, and, after the Potrero Power Plant, is the single largest stationary source of air pollution in San Francisco, emitting pollutants including nitrogen oxides, carbon monoxide, sulfur dioxide, particulate matter and volatile organic compounds. These chemicals contribute to smog and acid rain as well as causing respiratory problems, dizziness, fatigue and other illnesses, particularly in residents of the surrounding neighborhood.

We understand that the plant will not be able to meet State emissions standards without an upgrade or using additional emission reduction credits after 2005. However, the City's Electric Resources Plan, if implemented, would make any such upgrades not only unnecessary but counterproductive to the City's adopted policies. In effect, in place of the energy produced by the plant, the City envisages a combination of new cleaner power generation, increased energy conservation, additional transmission lines and renewable energy such as solar panels and wind turbines. Solar panels have already been installed at Moscone Center and are currently being

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California 94102-6033

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installed at the Southeast Waster Pollution Control Plant. We applaud these efforts.

On Saturday, April 26th, 2003, the San Francisco Human Rights Commission conducted an Energy Workshop at the City's Southeast Community Facility. Supervisor Maxwell's office was a co-sponsor of the workshop, as was Assemblyman Leno's office and the San Francisco Department of the Environment. Panelists included representatives from the City's Public Utilities Commission and Department of the Environment, PG&E and community based organizations. The workshop was the first in a series the Commission held last year on the issue of environmental racism in the City's Bayview/Hunter's Point neighborhood. We have recently forwarded the final report to the Board of Supervisors, along with a request to implement local environmental justice legislation in San Francisco. We are enclosing a copy for your consideration.

For years, communities in the southeastern sector of the City have been calling for the shutdown of the Hunters Point plant and speaker after speaker at the workshop requested a firm commitment that it would indeed be shut down as promised by 2005. We were urged to do everything in our power to make sure that this commitment is honored.

For this reason we are requesting your support in making City policy firm and clear in its opposition to any effort by PG&E to keep the plant operable beyond the expiration of its current permits.

Thank you for your time and consideration of this matter.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair, San Francisco Human Rights Commission

cc: Jared Blumenfeld, Director, San Francisco Department of the Environment
Ann Kelly, San Francisco Department of the Environment
Gordon Smith, President, PG&E
Dan Richard, Vice President for Government Affairs, PG&E
Lester Olmstead, San Francisco Liaison, PG&E
Maurice Campbell, Community First Coalition
Steven Moss, San Francisco Community Power Cooperative
Rev. Andrew Bozeman, Southeast Sector Community Development Corp.
Francisco Da Costa, Environmental Justice Advocacy
Lynne Brown, Communities for a Better Environment
Karen Pierce, Department of Public Health
Patricia E. Martel, General Manager, PUC
Edward Smeloff, Assistant General Manager for Power Policy, Planning and Resource Development, PUC

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

DRAFT

COMMISSIONERS

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Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

February 26, 2004

Mr. H. Welton Flynn, Chair
San Francisco Municipal Transportation Agency Board of Directors
401 Van Ness Avenue, # 334
San Francisco, CA 94102

Dear Mr. Flynn

On September 22, 2003, the Human Rights Commission ("HRC") sent you a letter concerning an incident involving a young woman wearing the traditional Muslim head attire and a MUNI operator asking her to remove her head attire (see attached letter). As of yet, HRC has not had a response from MUNI.

HRC is the City department empowered with enforcing the anti-discrimination policies of the City. The Commission has years of experience in resolving community disputes and issues involving discrimination.

We were hoping to learn whether all MUNI employees go through some sort of cultural sensitivity training. Since September 11th, there have been many acts of discrimination against Arabs, Middle-Easterners, Muslims and Sikhs (as well as those so perceived). HRC believes that all City employees, especially those dealing with the public, should go through sensitivity trainings.

Again, HRC extends its offer to arrange for sensitivity trainings for MUNI employees. We look forward to discussing this concern with you and ask that you contact Virginia Harmon, Executive Director of HRC at (4125) 252-2500.

Sincerely,

DRAFT

Malcolm Heinicke
Chair of the Human Rights Commission

encs.

cc: Michael T. Burns, Executive Director, MTA
Fred Stephens, General Manager, MUNI

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

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FAX (415) 431-5764
TDD (800) 735-2922
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City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

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Malcolm A. Heinicke
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Daniel Grossman
Martha Knutzen
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

September 22, 2003

Mr. H. Welton Flynn, Chair
San Francisco Municipal Transportation Agency Board of Directors
401 Van Ness Avenue, #334
San Francisco, CA 94102

Dear Mr. Flynn:

The San Francisco Human Rights Commission is writing to express its concern regarding an incident on a MUNI coach.

Recently, a young woman boarded a MUNI coach wearing a hijab, or traditional Muslim attire that covered her head. After she paid the fare required of a minor, she was asked by the MUNI operator to remove her hijab so that he could verify her age. Given the number of Muslims and individuals of Middle Eastern descent who patronize MUNI throughout the City, this incident raises concern to those communities regarding the appropriate treatment of their tradition and customs.

The San Francisco Human Rights Commission ("HRC") is the City department empowered with enforcing the City's anti discrimination policies. One of HRC's main goals is to prevent discrimination by reducing inter group tensions. MUNI drivers regularly interface with Muslims and individuals of Middle Eastern descent. As such, it is important that MUNI employees receive appropriate training to ensure that all MUNI patrons, including Muslims and individuals of Middle Eastern descent, are treated with dignity and respect.

Though we are confident this incident is isolated, acts of discrimination and backlash against Muslims and individuals of Middle Eastern descent have been on the rise since the tragedy of September 11. Lack of knowledge, coupled with prevailing negative stereotypes regarding Arabs, Middle-Easterners, Muslims and Sikhs contribute to this crisis.

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In light of these factors, the HRC extends the offer to arrange for sensitivity training for MUNI management and staff, so that such incidents may be avoided in the future. Please feel free to contact Executive Director Virginia Harmon or me so that we may arrange for that training on a mutually beneficial occasion.

Your time and assistance is appreciated.

Sincerely,

Malcolm Heinicke
Chair of the Human Rights Commission

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Minutes
Regular Meeting
February 26, 2004
DRAFT

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Daniel Grossman
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

Prior to the commencement of the meeting for the convenience of those present, Mr. Frank Anderson (HRC Staff) presented Item 4. The testimony of Item 4 is contained below.

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 5:07 p.m.

Commissioners Present	*Commissioners Excused*
Malcolm A. Heinicke, *Chair* (arr. 4:48 p.m.)	Khaldoun Baghdadi
Haig Baghdassarian	Vernon C. Grigg III
Shirley Dimapilis	Theresa Sparks
Daniel Grossman (left 6:03 p.m.)	Charles Ward
Larry Lee	
Johnnie Rollins	

HRC Staff Present
Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Larry Brinkin; Linda Chin; Maria Cordero; Cynthia Goldstein; Veronica Ng and Diana Rathbone.

Guests Present
Jakkee Bryson; Bill Hough and Al Williams

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Jackee Bryson stated that she was angry and that the HRC has disdain for the public. Ms. Bryson spoke about an unresolved ADA non-compliance complaint that she filed with the Department of Building Inspection in 1998.

4. Presentation on Observance of Black History Month from San Francisco African-American Historical and Cultural Society

Frank Anderson (HRC Staff) introduced Mr. Al Williams, the President of the Board of Directors of the San Francisco African-American Historical and Cultural Society to provide a presentation on Black History Month in relation to events in San Francisco.

Mr. Williams noted resources such as *"Black San Francisco," "Pioneer Urbanites: A Social and Cultural History of Black San Francisco," "A Walking Tour of the Black Presence in San Francisco."* and *"The History of Slavery In California."*

Mr. Williams stated that the Historical Society was formed in 1955, the year after the Brown v. Board decision. Due to inaccurate representation of the contribution of African-Americans in history books, Black History month was created in 1976.

This year, as the theme for Black History Month, the San Francisco African-American Historical and Cultural Society has chosen the 50th anniversary of Brown v. Board of Education . Mr. Williams stated that the importance of black history in the areas of equality and fairness, is not black history, but American history.

Mr. Williams stated that recently, the Society held a forum on the disparity in health care services and the impact of the disparity on African-American youth in public schools. Mr. Williams stated that as there are less and less opportunities for African-Americans to be educated in medical schools, which results in less people who come back to African-American communities to provide medical services, which results in the diminishing ability for African-American youth to perform well in school. Mr. Williams concluded that Brown v. Board of Education was a wonderful decision, but its effects have not been fully realized, and he looks positively toward the future.

There was no public comment on this item.

5. Approval of minutes of Commission Meeting of February 12, 2004
There was no public comment on this item.

The minutes of the February 12, 2004 Commission meeting was moved (Dimapilis), seconded (Lee) and APPROVED by the following vote:

Ayes	6	Baghdassarian, Dimapilis, Grossman, Heinicke, Lee, Rollins
Noes	0	
Absent	4	Baghdadi, Grigg, Sparks, Ward

6. Individual Commissioner Reports on Community Activities
Chair Heinicke spoke about the Mayor's recent decision to accommodate gay marriages in City Hall and noted that the HRC will be responding to or assisting the Mayor's office in this matter.

Chair Heinicke noted that the Closed Session scheduled for this agenda has been tabled for a future meeting.

Chair Heinicke spoke briefly about Committee assignments. He asked that Commissioner

Grigg join Commissioner Lee on the Employment Committee and Commission Baghdadi is considering serving on the M/W/LBE Committee.

* * *

Director Harmon introduced Larry Brinkin (HRC Staff). Mr. Brinkin stated that in 1999 the Commission wrote a letter to the Health Service System Board (HSSB) to address the discriminatory exclusion of transgender people in City Health plans. HSSB agreed to provide benefits for transsexual treatments and surgeries for one year beginning in 2001, but only through the City Health Plan and not through the HMOs. The HRC felt that benefits not provided by HMOs to transgender people was discriminatory, but the HSSB voted against expanding the coverage year after year. The HRC allied with Supervisors Ammiano, Daly and Dufty and wrote a joint letter the HSSB stating that the Board would not vote on the Health Benefits package until transgender benefits were included. At a special meeting called by the Health Board this morning, the HSSB voted to make benefits available to transgender people in all of the City's health plans beginning July 1, 2004. This was a major victory for the HRC and transgender City employees.

Director Harmon spoke briefly about the Coral Construction case, providing the Commissioners with the case opinion and added that the City Attorney will brief the Commission at the next Commission meeting.

There was no public comment on this item.

7. Presentation on update to HRC Website of Implementation of Searchable Database for Certification and EBO Insurers

Director Harmon introduced HRC staffers Maria Cordero and Cynthia Goldstein to present the Commission with an update on the HRC website. Ms. Goldstein stated that last year the Gill Foundation noticed that the HRC website provided some information about insurers that provided domestic partnership benefits and wanted to know what it would take for the HRC to update the list. This list is the first of it's kind in the country, but was outdated. The Gill Foundation provided the HRC with a grant to fund the data research of insurers and implementation of a searchable web application for the HRC website. Ultimately, people will be able to search insurance providers by group size, state and type of insurance product and receive a list of insurers in their area. This list will include information such as insurers' definition of domestic partnership, coverage of same sex and/or opposite sex couples, surcharges, and continuation coverage.

Chair Heinicke noted that providing this information about insurers gives insurance companies free advertising and wondered if there is a way to track how many 'hits' an insurer gets by being referred by our website application and maybe charge the insurers nominal fee.

Ms. Cordero stated that another use for the website accessible searchable database tool

is the ability to search for HRC certified or registered firms by category, specialty or services. This searchable database will be available to the public at or around the same time the Equal benefits website tool is introduced to the HRC website.

There was no public comment on this item.

8. Approval of HRC resolution supporting the creation of the Philip and Sala Burton Center for Human Rights at the Presidio National Park

Director Harmon introduced Bill Hough who presented the Commission with resolution supporting the creation of the Philip and Sala Burton Center for Human Rights at the Presidio National Park for approval. Mr. Hough stated that in 1998 the potential for creating a human rights center was realized and in December 2002 the AFL-CIO and the Sierra Club met with representatives of human rights, labor, environmental and business communities to discuss appropriate federal programs that will benefit American people and this plan for a community center dedicated to the memory of Philip and Sala Burton was drafted. This resolution supports the concept to draft a two-year plan for creating the Philip and Sala Burton Center for Human Rights.

Mr. Larry Brinkin (HRC Staff) noted that after the "Whereas" on line 14, the word "government" should be included between the words "vibrant" and "non-profit."

There was no public comment on this item.

With the aforementioned changes, the resolution supporting the creation of the Philip and Sala Burton Center for Human Rights at the Presidio National Park was moved (Grossman), seconded (Dimapilis) and APPROVED by the following vote:

Ayes	6	Baghdassarian, Dimapilis, Grossman, Heinicke, Lee, Rollins
Noes	0	
Absent	4	Baghdadi, Grigg, Sparks, Ward

9. Approval of letter to Mayor Gavin Newsom regarding shutting down PG&E power plant in Bayview/Hunter's Point

Diana Rathbone (HRC Staff) introduced the letter for Commission approval. Chair Heinicke was very happy with this letter stating that this letter shows that the HRC took the time to get feedback, and advise the Mayor about issues and a community that the Mayor cares about.

There was no public comment on this item.

The letter to Mayor Gavin Newsom regarding shutting down PG&E power plant in Bayview/Hunter's Point was moved (Rollins), seconded (Grossman) and APPROVED by the following vote:

Ayes	6	Baghdassarian, Dimapilis, Grossman, Heinicke, Lee, Rollins
Noes	0	
Absent	4	Baghdadi, Grigg, Sparks, Ward

10. Equal Opportunity (EO) Division
Presentation on January 28, 2004 Certification Workshop on Informal Contracting
Maria Cordero stated that this informal contracting workshop was the first City workshop involving MUNI and the Re-Development Agency. The workshop took place on January 28th ant the Koret Auditorium and was sponsored by Supervisors Dufty, Ma and Maxwell as well as the Small Business Commission and the HRC. The workshop was attended by over four hundred people and was standing room only. Diana Rathbone presented the Rules and Regulations governing informal City contracts (less than $100,000). There was a panel presentation comprised of distinguished City workers. The Office of Contract Administration Office of Labor Standards and the HRC's own David Treanor explained the Rules and Regulations governing the City's 12.B. Equal Benefits Program. Commissioner Ward also attended the workshop to present the dignitaries. There were many other presentations from contract awarding departments and the workshop was very successful.

Chair Heinicke stated that during the re-authorization of 12.D.A., there were people who stated that the program was not accessible or that they did not understand it, so it is wonderful that the HRC is providing these trainings.

Director Harmon noted that Ms. Cordero is currently organizing the next workshop that will be in conjunction with the Hispanic Chamber of Commerce.

Chair Heinicke asked that the Commissioners and M/W/LBE Committee members be apprised of the next workshops and encouraged Commissioner and Committee member attendance.

There was no public comment on this item.

11. Employment Committee: Report of February 05, 2004 Meeting
Linda Chin (HRC Staff), noted that the Committee received a presentation from Mr. All Williams regarding Black History Month. The Committee also received a presentation from Committee member Guillermo Romero, an Outreach Recruiter from City College of San Francisco. Mr. Romero spoke about a very successful Instruction Vocational English Program at City College that started nine years ago with an enrollment of over 2,000 students per year. The instruction trades include concrete, carpentry, electricity as well as ESL classes. Because these courses are not accredited, they are offered free of charge. The Committee also received a presentation from HRC Staffer Diana Rathbone who spoke about the Public Utilities Capital Improvement Program (CIP), which included promotion of first source hiring, local hiring and non-discrimination in hiring for the

retrofitting of the Hetch Hetchy water system.

12. Issues Committee: Report of February 11, 2004 Meeting
Commissioner Rollins stated that the Committee is very concerned about the issue of housing and received a presentation from the Housing Department regarding regional housing needs including issues such as availability, affordability and diversity. The Committee also discussed the planning for April: Fair Housing Month. Commissioner Rollins asked Commissioners, Staff or the public to proxy nominations for people who they feel should be recognized by the Committee for Fair Housing Month.

There was no public comment on this item.

13. Approval of MUNI Follow-Up letter (Issues Committee)
Commissioner Rollins presented the Commission with the MUNI follow-Up letter.

There was no public comment on this item.

The MUNI follow-up letter was moved (Dimapilis), seconded (Grossman) and APPROVED by the following vote:

Ayes	6	Baghdassarian, Dimapilis, Grossman, Heinicke, Lee, Rollins
Noes	0	
Absent	4	Baghdadi, Grigg, Sparks, Ward

14. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.
This item was tabled for the next Commission meeting.

There was no public comment on this item.

15. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).
This item was tabled for the next Commission meeting.

There was no public comment on this item.

16. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

There was no public comment on this item.

17. Adjournment

There being no further business, the meeting was adjourned at 6:04 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Regular Meeting Agenda

Thursday, March 11, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Haig Baghdassarian
Shirley Dimapilis
Vernon C. Grigg III
Larry Lee
Johnnie Rollins
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR March/April 2004

March 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 17
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

March 25
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 01
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 14
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 21
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISITING LITIGATION-City as Defendant

4. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.
Action Item - No Attachment

Coral Construction, Inc. v. City and County of San Francisco, et al, S.F. County Superior Court, Case No. 319549

The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

RECONVENE IN OPEN SESSION

5. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).
Action Item - No Attachment

REPORT OF THE CHAIR

6. **Individual Commissioner Reports on Community Activities**
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

7. **Presentation of Chapter 12.D.A. Waiver Report for February**
   Discussion Item - Attachment to be provided at meeting
   Present: M. Kanios

8. **Presentation of Chapter 12.D.A. February 2004 Quarterly Report**
   Action Item - Attachment Provided
   Present: R. Villacarlos

COMMITTEE REPORTS

9. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of February 17, 2004 Meeting**
   Commissioner Theresa Sparks, Chair
   Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo
   Discussion Item - No Attachment

10. **Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of February 18, 2004 Meeting**
    Commissioner Charles Ward, Chair
    Commissioner Khadoun Baghdadi, Vice-Chair
    Commissioner Shirley Dimapilis, Vice-Chair
    Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
    Discussion Item - No Attachment

11. **Approval of HRC resolution honoring the life of Harold T. Yee (M/W/LBE Committee)**
    Action Item - Attachment Provided
    Present: J. Fields/B. Fong

REGULAR BUSINESS

12. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
    Discussion Item - No Attachment

13. **Adjournment**

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[DRAFT RESOLUTION honoring the life of Harold T. Yee; presented to HRC Commissioners for possible approval on March 11, 2004]

WHEREAS, in 1978, the Asian American Architects and Engineers (AAAE) in cooperation with Mr.Harold T.Yee, Executive Director of Asian Inc. worked with the San Francisco Human Rights Commission (HRC) to develop a prime contracting and subcontracting program for architectural/engineering consultants for the San Francisco Clean Water program, the San Francisco International Airport and other public works contracts;

WHEREAS, in 1982, Mr. Harold T. Yee joined with other business and community leaders in the City to co-found the Coalition for Economic Equity and provided documentation to the Human Rights Commission on the need for a City policy to increase public contracting opportunities for small minority-owned, woman-owned and local businesses;

WHEREAS, San Francisco's 1984 MBE/WBE/LBE Utilization Ordinance, co-sponsored by then Supervisors Willie B. Kennedy and Doris M. Ward, was passed overwhelmingly;

WHEREAS, Over the past 20 years, the ordinance has withstood many challenges launched by opponents of affirmative action and has provided hundreds of local businesses with new access to public contracts;

WHEREAS, throughout that period of time, Mr. Harold T. Yee was an important strategist in the struggles to ensure the survival and strengthening of the ordinance. Mr. Yee mentored many new business entrepreneurs by encouraging them to become active in HRC advisory groups, as well as encouraging many human rights professionals who, as public servants, have made significant progress in affirming the City's commitment to fairness and equity. Mr. Yee has left a rich legacy and an enviable record of hard work for those who will follow in his footsteps;

[DRAFT RESOLUTION honoring the life of Harold T. Yee; presented to HRC Commissioners for possible approval on March 11, 2004]

WHEREAS, in Fiscal Year 1983-84, when the ordinance was first adopted, MBE/WBE's in San Francisco received less than one half of one percent (0.5%) of all public contract dollars. By Fiscal Year 2003-04 MBE/WBE's received fifteen percent (15%) of all public contracting dollars.

WHEREAS, Since April 2004 is the 20th anniversary of the MBE/WBE/LBE Ordinance, the Human Rights Commission acknowledges that Mr. Harold T.Yee has contributed greatly to opening opportunities for local minority and woman owned businesses on City, State, and Federally funded contracts.

NOW, THEREFORE IT BE RESOLVED, That the San Francisco Human Rights Commission and its staff declare our most sincere appreciation and profound gratitude for Mr. Harold T. Yee's efforts on behalf of MBEs, WBEs and LBEs to promote economic equality in public contracting.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 11th day of March, Two-thousand and four.

APPROVED AS TO FORM:

MALCOLM A. HEINICKE, HRC Commission Chair

By: _____

TONI A. DELGADO

Commission Secretary

City and County of San Francisco
Human Rights Commission

March 11, 2004

These minutes were approved by Commission vote on 03-25-04

Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:32 p.m.

Commissioners Present	*Commissioners Excused*
Khaldoun Baghdadi	Charles Ward
Haig Baghdassarian	
Shirley Dimapilis	
Vernon C. Grigg III (arr. at 4:45 p.m.)	
Malcolm A. Heinicke, *Chair*	
Larry Lee	
Johnnie Rollins	
Theresa Sparks	

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HRC Staff Present

Virginia Harmon, Director; Toni A. Delgado, Commission Secretary; Larry Brinkin; James Fields; Cynthia Goldstein; Veronica Ng and Roel Villacarlos.

Guests Present

Jakkee Bryson; Deputy City Attorney Catherine Barnes; Scott Emblidge, Attorney; and Nan Su

A quorum was present.

Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File is available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

Public Comment on Items Not on the Agenda

Nan Su, Falun Gong practitioner, brought the Commission two updates on the issue of Falun Gong. First, Mr. Su brought the Commissioners a report that outlines the Chinese government's human rights violations against Falun Gong practitioners *(This report is voluminous and can be viewed at the HRC Main Office during normal business hours)*. Secondly, Mr. Su stated that Dr. Charles Li, an American citizen and Californian, has been jailed by the Chinese government for over a year for practicing and promoting Falun Gong in China. Mr. Su stated that the California State legislature has never voiced their concern about Dr. Li and Mr. Su asked the Commission to urge the state legislature to voice their concern to the Chinese government about Dr. Li.

* * *

Jakkee Bryson, asked to be agendized at the next Commission meeting to address the following three issues. First, due process regarding the City's transgender policy. She attended the HRC meetings in December of 1998 when the transgender guidelines were originally passed and noted that there were no public hearings, nor was the Commission on the Status of Women (COSW) notified of these guidelines before they were introduced for HRC approval. Ms. Bryson stated that the then Chair of the HRC promised to restart the process of adoption of these guidelines, including public hearings, in January of 1999 and Ms. Bryson stated that this never happened. Ms. Bryson stated that there was a serious lack of due process without public hearings and interdepartmental discussions about these guidelines.

Ms. Bryson's second issue was elder abuse/ADA non-compliance. Ms. Bryson stated that she was 55 and disabled and when she went to Episcopal Sanctuary she was assigned to a top bunk. Ms. Bryson stated that the "Changes" program does not have accommodating features and she asked the HRC to look into this issue.

Ms. Bryson's third issue was male-only emergency winter shelters. Ms. Bryson stated that after she met with (now Mayor) Gavin Newsom in December of 1999, the Salvation Army opened a female-only emergency winter shelter was opened in February of 2000 and closed in March of 2000, never to be re-opened. Ms. Bryson asked to be agendized to discuss these three items.

There was no further public comment.

Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.

Coral Construction, Inc. v. City and County of San Francisco, et al,
S.F. County Superior Court, Case No. 319549

A motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco was made (Dimapilis), seconded (Lee) and APPROVED by the following vote:

Ayes	8	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grigg, Lee, Rollins, Sparks
Noes	0	
Absent	1	Ward

At 4:41 p.m. the Commission moved into closed session. In attendance of the closed session were Commissioners Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grigg, Lee, Rollins, Sparks; Deputy City Attorney Catharine Barnes; Scott Emblidge, Attorney; Director Virginia Harmon and Commission Secretary Toni A Delgado.

Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).

The Commission reconvened in open session at 5:10 p.m. A motion to DISCLOSE NO INFORMATION of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a) was made (Dimapilis), seconded (Lee) and APPROVED by the following vote:

Ayes	8	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grigg, Lee, Rollins, Sparks
Noes	0	
Absent	1	Ward

There was no public comment on this item.

Individual Commissioner Reports on Community Activities

Chair Heinicke noted that a couple of hours ago the California Supreme Court issued a stay to Mayor Newsom and the City of San Francisco to cease issuing marriage licenses to same-sex couples.

Commissioner Baghdassarian stated that a screening of a film that focuses on Germany and the Armenian Genocide at the Koret Auditorium of the Main Public Library will be held on April 14th at 6:00 p.m. Commissioner Baghdassarian also attended the annual dinner sponsored by the Bay Area Chapter of the Armenian National Committee.

Chair Heinicke announced that the Mayor's Office has made a few changes to the Commission and that three new Commissioners will be appointed to the Commission on March 17th. Commissioner Grossman recently resigned from Commission and Commissioner Baghdassarian will also be resigning. Chair Heinicke thanked Commissioner Baghdassarian for his service to the Commission and Commissioners Sparks and Rollins also noted that Commissioner Baghdassarian will be missed.

There was no public comment on this item.

Presentation of Chapter 12.D.A. Waiver Report for February

Melinda Kanios (HRC Staff) presented the Commissioners with the 12.D.A. Waiver Report for the month of February. Commissioner Sparks asked if RFPs are so narrowly written that only a particular contractor can perform the work and Director Harmon stated that the HRC closely monitors all contracts, including waivers, to ensure that the contracting process is open to all.

There was no public comment on this item.

Presentation of Chapter 12.D.A. February 2004 Quarterly Report

Roel Villacarlos (HRC Staff) presented the Commission with the Chapter 12.D.A. February 2004 Quarterly Report. Mr. Villacarlos stated that contract awarding departments have been diligent about entering complete and accurate data into the Diversity Tracking System, the major contract awarding departments have continued to devote staff and resources in entering information into the system and the HRC has enhanced the Diversity Tracking System to track retention payments, which are payments made to a contractor after the work is completed. He also noted that the HRC can now track DBE participation as well. Mr. Villacarlos presented a PowerPoint presentation (see attached) which outlines contract award amounts by fiscal year and compares M/W/LBE participation compared to the Mayor's goals which are established every July.

There was no public comment on this item.

Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of February 17, 2004 Meeting

Larry Brinkin (HRC Staff) stated that the Committee approved eight new members for recommendation to the Chair for appointment. The Committee recruitment garnered a good cross section of applicants, reflective of the diverse LGBT community. The Committee also received a report from the Intersex Task Force regarding preparations for the May 27 public hearing. Commissioner Grigg suggested that the hearing be video recorded so that the HRC can share the testimony from this hearing with other communities that may wish to begin dialogue on this subject. Chair Heinicke noted that SFGTV can record our meetings but it is not within the HRCs budget to broadcast the hearing. Mr. Brinkin stated that he will inquire with Telecommunications as well as other community groups who may be willing to record the hearing. LGBTAC heard testimony from the Domestic Partnership forum and received feedback about Assembly Bill 205, which goes into effect January 2005. The committee also hear a report from the LGBT Homeless Youth Task Force and HRC staffer Ellise Nicholson is participating in a Youth Housing Initiative Task Force sponsored by Supervisor Bevan Dufty. The Committee discussed the annual planning retreat that takes place on Sunday April 4th, from 8:30 a.m. to 5:00 p.m. at the HRC Main Office. All Commissioners are invited to attend.

There was no public comment on this item.

Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of February 18, 2004 Meeting

James Fields (HRC Staff) stated that the Committee has been recruiting through the months of February and March and received four new appointments resulting in a total membership of nineteen. The Committee received a presentation from Maria Cordero who discussed an informal contracting workshop in January. The Committee also heard a certification matter regarding a trucking firm which was decertified because they park/house their trucks outside of San Francisco. The committee will continue to discuss how to bring more M/WBEs into the City.

There was no public comment on this item.

Approval of HRC resolution honoring the life of Harold T. Yee (M/W/LBE Committee)

Mr. Fields presented the commission with the draft resolution honoring Harold T. Yee. Mr. Fields noted that the word "and" should be added at the end of each recital and that the names of Supervisors Willie B. Kennedy and Doris Ward should be reversed.

Mr. Fields stated that M/W/LBE Committee member Darlene Mar worked with HRC Staffer Bayard Fong to create this resolution.

With the aforementioned changed, the resolution was moved (Dimapilis), seconded (Baghdadi) and APPROVED by the following vote:

Ayes	8	Baghdadi, Baghdassarian, Dimapilis, Heinicke, Grigg, Lee, Rollins, Sparks
Noes	0	
Absent	1	Ward

There was no public comment on this item.

Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

There was no public comment on this item.

Adjournment

There being no further business, the meeting was adjourned at 6:14 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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MAR 24 2004

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Regular Meeting Agenda

Thursday, March 25, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Shirley Dimapilis
Vernon C. Grigg III
Yoel H. Kahn
Larry Lee
Ellouise Patton
Johnnie Rollins
Sandra E. Sohcot
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR April/May 2004

April 01
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 14
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 21
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 06
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 12
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 13
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 19
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of February 26, 2004
   Action Item - Attachment Provided
   Present: T. Delgado

5. Approval of minutes of Commission Meeting of March 11, 2004
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

REPORT OF THE CHAIR

6. Introduction of Newly Appointed Commissioners
   Discussion Item - No Attachment

7. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

8. Presentation of HRC resolution honoring the life of Harold T. Yee
   Adopted by HRC at 03-11-04 meeting
   Discussion Item - Attachment Provided
   Present: J. Fields/B. Fong

9. Approval of letter to the San Francisco 49ers expressing concern about homophobia in employment
   Action Item - Attachment Provided
   Present: E. Nicholson

10. Approval of letter to the San Francisco Chronicle protesting the decision to prevent a reporter and photographer who are in a same sex marriage from writing about same sex marriage
Action Item - Attachment Provided
Present: E. Nicholson

HRC DIVISION REPORT

11. Equal Opportunity (EO) Division
Presentation on HRC Employment Programs for San Francisco Public Utilities Commission's Contracts
Discussion Item - Attachment Provided
Present: D. Rathbone/B. Thomas

COMMITTEE REPORTS

12. Employment Committee: Report of March 04, 2004 Meeting
Discussion Item - No Attachment
Commissioner Larry Lee, Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

13. Issues Committee: Report of March 10, 2004 Meeting
Discussion Item - No Attachment
Commissioner Johnnie Rollins, Chair
Committee Staff: Carmen Hererra, Nichole Truax

14. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of March 16, 2004 Meeting
Commissioner Theresa Sparks, Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo
Discussion Item - No Attachment

15. Approval of letter to SF Board of Supervisors encouraging their support for the Federal Domestic Partner Health Benefits Equity Act (Senate Bill 1702), which would extend the tax exclusion for employer provided health insurance to domestic partners of employees (LGBTAC)
Action Item - Attachment Provided
Present: E. Nicholson

16. Approval of letter to SF Board of Supervisors encouraging their support for the California Marriage License Non-Discrimination Act (Assembly Bill 1967), which would amend the California Family Code to enable two persons, rather than only a man and a woman, to be recognized in civil marriage in California (LGBTAC)
Action Item - Attachment Provided
Present: E. Nicholson

REGULAR BUSINESS

17. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

18. Adjournment

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Human Rights Commission Resolution

HONORING THE LIFE OF HAROLD T. YEE

WHEREAS, in 1978, the Asian American Architects and Engineers (AAAE) in cooperation with Mr.Harold T.Yee, Executive Director of Asian Inc. worked with the San Francisco Human Rights Commission (HRC) to develop a prime contracting and subcontracting program for architectural/engineering consultants for the San Francisco Clean Water program, the San Francisco International Airport and other public works contracts; and

WHEREAS, in 1982, Mr. Harold T. Yee joined with other business and community leaders in the City to co-found the Coalition for Economic Equity and provided documentation to the Human Rights Commission on the need for a City policy to increase public contracting opportunities for small minority-owned, woman-owned and local businesses; and

WHEREAS, San Francisco's 1984 MBE/WBE/LBE Utilization Ordinance, co-sponsored by then Supervisors Doris M. Ward and Willie B. Kennedy, was passed overwhelmingly; and

WHEREAS, Over the past 20 years, the ordinance has withstood many challenges launched by opponents of affirmative action and has provided hundreds of local businesses with new access to public contracts; and

WHEREAS, throughout that period of time, Mr. Harold T. Yee was an important strategist in the struggles to ensure the survival and strengthening of the ordinance. Mr. Yee mentored many new business entrepreneurs by encouraging them to become active in HRC advisory groups, as well as encouraging many human rights professionals who, as public servants, have made significant progress in affirming the City's commitment to fairness and equity. Mr. Yee has left a rich legacy and an enviable record of hard work for those who will follow in his footsteps; and

WHEREAS, in Fiscal Year 1983-84, when the ordinance was first adopted, MBE/WBE's in San Francisco received less than one half of one percent (0.5%) of all public contract dollars. By Fiscal Year 2003-04 MBE/WBE's received fifteen percent (15%) of all public contracting dollars; and

WHEREAS, Since April 2004 is the 20th anniversary of the MBE/WBE/LBE Ordinance, the Human Rights Commission acknowledges that Mr. Harold T.Yee has contributed greatly to opening opportunities for local minority and woman owned businesses on City, State, and Federally funded contracts.

NOW, THEREFORE IT BE RESOLVED, That the San Francisco Human Rights Commission and its staff declare our most sincere appreciation and profound gratitude for Mr. Harold T. Yee's efforts on behalf of MBEs, WBEs and LBEs to promote economic equality in public contracting.

ADOPTED, by the Human Rights Commission of the City and County of San Francisco on this 11th day of March, Two-thousand and four.

Malcolm A. Heinicke
Chair of the San Francisco Human Rights Commission

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Shirley Dimapilis
Vernon C. Grigg III
Yoel H. Kahn
Larry Lee
Ellouise Patton
Johnnie Rollins
Sanrda E. Sohcot
Theresa Sparks
Charles L. Ward

DRAFT

March 25, 2004

Denise Debartolo York
John York
Owners
San Francisco Forty Niners
4949 Centennial Blvd.
Santa Clara, CA 95054

Dear Ms. Debartolo York and Mr. York:

The San Francisco Human Rights Commission writes this letter to once again express our concern that Forty Niners players and staff continue to engage in homophobic statements and incidents, and that a hostile workplace continues to exist within the Forty Niners organization for lesbian, gay, bisexual and transgender (hereinafter 'LGBT') employees. On February 6, 2004 the San Francisco Chronicle published a feature story about Forty Niners Head Athletic Trainer Lindsay McLean. According to the story, Mr. McLean is a twenty-year veteran of the Forty Niners organization and, until his retirement in 2003, was regarded as one of the most respected athletic trainers in the profession. He is also a gay man who, by his own account, silently endured years of blatantly inappropriate, homophobic conduct at work.

Mr. McLean's interview suggests that Forty Niners employees, be they LGBT or not, commonly must endure a work environment where oppressive slurs, physical humiliation, sexual taunts, threatening acts of vandalism, and openly hateful speech are directed at LGBT people. This type of blatant discrimination and hostility appears to be unchecked.

The Commission is deeply concerned to read Mr. McLean's statement that he endured "at least six or seven physical confrontations" during his career with the Forty Niners. According to the article, Mr. McLean was so fearful of retaliation that he did not report any of these incidents despite there being several witnesses to some of them.

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California 94102-6033

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As you know, under state and local law the Forty Niners management is legally and contractually obligated to protect its employees from discrimination and sexual harassment. Mr. McLean's story appears to indicate that Forty Niners management has yet to assume this obligation to its LGBT employees, despite our December 2002 correspondence in which similar concerns were raised. In order to remedy this situation the Forty Niners should educate all employees about the harmful impact of homophobia within the franchise's culture and ensure that the rights of all Forty Niners' employees are protected. To that end, the Commission urges the Forty Niners management to create and enforce a non-discrimination policy that includes sexual orientation, gender identity, domestic partner status, and marital status. The Commission is available to assist the Forty Niners to create and implement policies and training programs that include LGBT cultural competency and to negotiate the terms necessary to conduct training sessions for all Forty Niners management, staff, and players.

Thank you for your consideration in this matter and for your timely response to these issues.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

MAH/kh

City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

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Charles L. Ward

December 12, 2002

Denise Debartolo York
John York
Owners
San Francisco Forty Niners
4949 Centennial Blvd.
Santa Clara, CA 95054

Dear Ms. Debartolo York and Mr. York:

We are writing this letter to express our deep concern regarding homophobic statements that player Garrison Hearst expressed in a Fresno Bee article (11/21/02 "Life Still Tough For Gay Male Athletes) and the handling of the matter by management. The Commission is disturbed and offended that Mr. Hearst would refer to gay men as "faggots" and "punks."

Discrimination in employment on the basis of sexual orientation is prohibited by state law, under the Fair Employment and Housing Act (FEHA) and by local law under San Francisco Police and Administrative Codes. The players and all employees of the Forty Niner franchise are therefore protected from workplace discrimination and harassment on the basis of their sexual orientation. Mr. Hearst's use of the words "faggot" and "punk" may constitute unlawful harassment and furthermore creates an atmosphere of pervasive hostility in the workplace.

We also are concerned about the effect of these remarks on the public. Many fans no doubt do not want to spend money supporting a team in which its players to publicly use abusive, hateful language against a particular group of people. While we appreciate your strong response to this incident, we want to alert you further to the potential harm to the public that these kinds of remarks can cause.

The language that Mr. Hearst chose to use can have very tangible, sometimes horrible, consequence to people who are, or perceived to be lesbian, gay, bisexual, or transgender (LGBT). According to Community United Against Violence (CUAV), violent physical attacks usually begin with verbal abuse and taunts. Words of hate can lead to discrimination and intolerance at best, or to violence in its worst manifestation: every day throughout the world, people are abused, beaten, and sometimes killed as a result of homophobic hate language and intolerance, and the climate of hostility promoted by these attitudes.

Mr. Hearst's statements affect public perceptions about how to treat LGBT people because as a sports hero he is a role model, particularly to young people. A famous player can influence impressionable youth to emulate that athlete's attitudes and behavior. Unfortunately, Mr. Hearst's remarks send a very negative message to youth that gay people are not to be tolerated or respected. CUAV reports that young people perpetrate the majority of hate-motivated violence against LGBT people. It should also be noted that LGBT youth make up more than 1/3 of all teen suicides

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due to factors including lack of support and acceptance, threats of violence, and few visible LGBT role models.

It is the obligation of management to protect fans and employees from discriminatory behavior and harassing language. In the same way that we all can agree to work to end racism, we must put equal effort into fighting homophobia. The Commission calls upon the Forty Niners to create a non-discrimination policy that includes sexual orientation and gender identity and to enforce that policy with absolute conviction.

The Commission recognizes that homophobia is one of the last issues to be addressed by professional sports. We can appreciate that there have been few attempts to create a more hospitable climate for gay and bisexual athletes in such a traditionally masculine milieu. The Commission has learned that education is one of the most effective tools for preventing discrimination before it occurs. We would like to offer to provide LGBT cultural competency trainings to the Forty Niner franchise and are available to negotiate the terms necessary to conduct sessions for all staff, players, and management.

The Commission has a strong reputation for excellence in the LGBT trainings we offer. The trainings are highly interactive and provide compassion building exercises and values clarification opportunities, as well as factual information about LGBT communities. Commission staff has already trained Volume Services America management staff in the 3 Com conference room. We are available to assist the Forty Niners with our highly regarded training program.

The Commission looks forward to your timely written response to our concern about Mr. Hearst's homophobic statements and the potential negative consequences of those remarks. Also, we would like you to appear before the Commission at a regularly scheduled meeting to discuss these issues and to publicly advise what steps you are taking to increase the sensitivity of players and other employees regarding homophobia. Our meetings are held in Room 416 City Hall on the second and fourth Thursdays of each month at 4:30 p.m. Please include in your letter the date of the meeting at which you can appear.

Thank you for your consideration in this matter

Sincerely,

Ghada Saliba-Malouf
Chair

cc: Hon. Tom Ammiano, President, San Francisco Board of Supervisors

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
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Theresa Sparks
Charles L. Ward

DRAFT

March 25, 2004

Mr. Phil Bronstein
Executive Vice President and Editor
San Francisco Chronicle
901 Mission Street
San Francisco, CA 94103

Dear Mr. Bronstein:

We write to express our concern about your recent decision to remove Rachel Gordon and Liz Mangelsdorf from covering the issue of same-sex marriage for the *Chronicle*. Our understanding is that you made this decision because you believed there would be a perception that because Ms. Gordon and Ms. Mangelsdorf are a same-sex married couple they would be unable to report on the issue objectively. As the City government agency responsible for protecting San Franciscans from employment decisions based on employees' sexual orientation or marital status, we protests the decision you have made.

The Human Rights Commission certainly acknowledges that an employer, and a newspaper editor, have the right to assign their employees as they see fit. We also agree that providing maximum assurance to readers that reporters and photographers have no conflicts of interest connected to the stories they cover is a worthy goal. In this case, however, we frankly do not understand where the conflict would lie. It is doubtful your readers would have known the two women were a married couple if the *Chronicle* had not made an issue of it. But even knowing their marital status, there is no reason that readers should perceive a lack of objectivity. Indeed, Ms. Gordon and Ms. Mangelsdorf had already demonstrated their ability to report on and photograph the story before they got married. The various sides of the issue have been well documented in the *Chronicle's* articles and photographs, including those contributed by Ms. Gordon and Ms. Mangelsdorf. If their marital status is at issue, then the *Chronicle* logically should reveal the marital status of all reporters and photographers covering the same-sex issue. Could a heterosexual not in a same-sex marriage truly understand and be able to report on the aspirations of a same-sex spouse?

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We think probably so, but using the *Chronicle's* logic we would have our doubts.

We recall that in recent years when the Hearst Corporation contemplated purchasing the *Chronicle* there were stories in the *Chronicle* in which reporters described the relevant facts and issues and the various perspectives. Surely those reporters had a stake in the outcome of that purchase, and yet the *Chronicle* editors rightfully trusted the reporters to write objectively. We submit that the same standard of trust should operate in this case, and we respectfully call on the *Chronicle* to reconsider this decision.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

MAH/lb

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Virginia M. Harmon
Executive Director

MEMORANUDUM

Date: March 25, 2004

To: Commissioners, Human Rights Commission

From: Diana Rathbone

Subject: HRC Employment Program for PUC Contracts

INTRODUCTION.

The San Francisco Public Utilities Commission is about to embark on a $4 billion renovation of the Hetch Hetchy System which supplies water to San Francisco as well as a large part of the Peninsular. Developed early this century by Michael O'Shaughnessy, the system is a series of pipes which carry water from the Hetch Hetchy Reservoir, close to Yosemite Valley, all the way across the Central Valley and down to the Bay Area. The entire system is old, vulnerable (especially to earthquakes) and in need of repair.

In order to assist with this huge undertaking, the PUC has hired Water Infrastructure Partners, a joint venture of Jacobs Civil, Inc. and Primus Infrastructure, LLC, to assist with program management. The joint venture's contract with the City includes a diversity task order, designed to ensure employment opportunities for minorities and women as well as to minority and woman-owned businesses.

As part of the Diversity Task Order, HRC, in conjunction with the PUC, has developed a coordinated diversity in employment, First Source and local hiring program. When the WIP contract concludes, program staffing will transition to City employment.

THE CITY'S LEGISLATED EMPLOYMENT PROGRAMS

The City's legislated employment programs are as follows:

- First Source Hiring
- Local Hiring
- Non-Discrimination in Hiring

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First Source Hiring Program.

- **Implementing Legislation:** Chapter 83 of the San Francisco Administrative Code.
- **Implementing Agency:** First Source Hiring Program/PUC.
- **Types of Contract:** Construction and professional services contracts.
- **Dollar Threshold.** Enforcement is limited to construction contracts of $300,000 or more and professional services contracts of $200,000 or more.
- **Program Goal**: Community based and other work force development organizations are given the first opportunity to refer economically disadvantaged job applicants for all entry level or apprenticeship positions.
- **Economic Disadvantage.** To qualify as economically disadvantaged, an individual must be:
    - eligible for services under the Job Training Partnership Act, 29 U.S.C. Section 1503, as determined by the Private industry council or
    - designated by the First Source Program as an individual at risk of relying upon, or returning to, public assistance.
- **Geographic Boundaries:** The requirements apply to work performed:
    - within the boundaries of the City and County of San Francisco
    - in counties contiguous to the City and County of San Francisco and
    - on property owned by the City and County of San Francisco.

Local Hiring Program.

- **Implementing Legislation:** Chapter 6, Article II, Section 6.22(G) of the San Francisco Administrative Code.
- **Implementing Agency:** San Francisco Human Rights Commission (HRC).
- **Types of Contract:** Construction contracts.
- **Dollar Threshold.** The HRC limits enforcement to contracts of $50,000 or more.

- **Program Goal**: 50% of all hours worked on City and County of San Francisco contracts will be worked by San Francisco residents.

  Special preference will be given to minorities, women and economically disadvantaged individuals.

- **Economic Disadvantage.** To qualify as economically disadvantaged, an individual must have:

  - been unable to find employment in his or her trade for more than 20 days in the past six months or

  - have an annual maximum income which falls within the limits established the Mayor's Office of Community Development Block Grant Programs.

- **Geographic Boundaries:** The program applies only to work performed at construction sites located within the boundaries of the City and County of San Francisco.

Non-Discrimination in Hiring Program.

- **Implementing Legislation:** Chapter 12B4 of the San Francisco Administrative Code.

- **Implementing Agency:** San Francisco Human Rights Commission (HRC).

- **Types of Contract:** Construction and professional services contracts.

- **Dollar Threshold.** The HRC limits enforcement to construction contracts of $50,000 or more and to professional services contracts of $25,000 or more.

- **Program Goal:** Employment of minorities and women at the levels expected absent the presence of discrimination. These levels are determined based on the 2000 census.

- **Economic Disadvantage.** No special requirements.

- **Geographic Boundaries:** None.

HRC/PUC EMPLOYMENT PROGRAM

Currently, the HRC, in conjunction with the PUC, community based organizations (CBOs) and the First Source Hiring Program, is developing a combined approach to employment which will comply with the requirements of all three programs. It is based on a commitment to

place eligible minorities, women and local workers for long term assignments on PUC contracts. The program will monitor a placed worker for 18 months with the goal of making sure that the worker is employed continuously during that time. Occasionally, this may mean that a contractor, in order to retain the worker, may assign the worker to non-PUC projects. Alternatively, the worker may be employed by several different contractors on several different PUC contracts.

The combined approach is designed to eliminate duplication of effort and to create a one-stop-shop for contractors and consultants. HRC staff will take the lead and will work in cooperation with, as well as make frequent reports to, First Source and the PUC.

The program will include additional staffing as well as possible support for training, job readiness and cultural sensitivity and safety programs. Such services would be aimed at PUC's special areas of need such as plumbers and operating engineers or CAD and GIS technicians.

CONSTRUCTION

To date, the construction program has been staffed by HRC (10% FTE) and by WIP (50% FTE). We have therefore had to limit our placement efforts to projects over $1 million and which will last more than 6 months. On smaller projects, we have worked with frequent PUC bidders to achieve placements with individual contractors, in the hope that these contractors will have enough PUC work to keep the referred worker employed at different sites.

The program is based on the assumption that compliance with the local hiring goal will result in compliance with all other program goals and uses a three pronged approach:

1. Data Tracking. Certified payroll is a state and federally required form used to track prevailing wages on construction jobs. HRC uses this form track compliance with its requirements, so there is no additional reporting burden for the contractors. Once the data is entered, the database is programmed to produce reports tracking the utilization of minorities, women, First Source and local workers in compliance with HRC and First Source hiring goals.

2. San Francisco Community Based Organizations (CBOs). In order to comply with the employment goals, contractors are encouraged to hire workers from local CBOs. HRC is currently developing a core group or consortium of CBOs to develop referral procedures and resolve problems. We plan to meet monthly.

Contractors in need of a new worker fill out a referral request form and forward it to HRC seventy two hours in advance. HRC then recruits potential candidates from the CBOs. Once the consortium is in place, these referrals will be made according to the referral procedures developed by the core group. Currently, HRC approaches the various agencies based on the location of the construction site and an attempt to keep a fair distribution among the CBOs. The

referral agency, in conjunction with the HRC, interviews several candidates, makes arrangements with the union as necessary and sends the worker to the site.

It should be noted that PUC presents particular challenges for such a program, in that many of its construction sites are not only outside San Francisco, but frequently as far away as the Central Valley and beyond up into the Sierras. However, we have already made several placements outside San Francisco. Around Hetch Hetchy, the contractor often houses workers in a hotel. On the peninsular, however, workers frequently need to have a car.

The hours worked by these referrals are tracked in the database so that we can monitor the success of the program. If a referred worker is absent from the job site for sickness, apprenticeship training or other personal reasons, the contractor may apply for and HRC may approve a waiver for the hours of absence. If approved, waiver hours are counted towards the hours worked by the referred worker.

3. Follow-Up Assistance

Once a worker has been placed on a site, HRC provides follow up support for eighteen months and tries to visit the job site at least twice a month during that time. As part of the new program, HRC will also work closely with PUC inspectors and resident engineers to trouble shoot potential problems.

Assistance can include anything from moral support to referral to legal or daycare services. The idea is to prevent special circumstances from interfering with the worker's ability to stay on the job. All placed workers sign a release form allowing HRC to discuss their performance with the project superintendent. Similarly, HRC obtains permission from the project superintendent to talk to placed workers for a few minutes at each site visit. This allows HRC to assist with any problems before the worker loses or quits the job.

The program benefits greatly by the personal and professional relationships that develop between the contractor, HRC and the referred worker.

ENGINEERING, DESIGN & PROFESSIONAL SERVICES

To date, due to severely limited resources, most of the employment efforts on PUC projects have been confined to construction. However, HRC and First Source are in the process of developing a training program to increase the diversity of the consultants' workforce and to give disadvantaged minorities and women access to entry level jobs and internships. HRC also plans to increase the enforcement of HRC's diversity goals including the participation of minorities and women as key personnel on PUC projects. The first project to be included in the training program will be the Clean Water Master Plan.

CONCLUSION.

We are very excited with the opportunities afforded by the new combined employment program and have high hopes for the coming years. We greatly appreciate the support and funding provided by PUC management. Hetch Hetchy is a civic treasure and it is only fitting that the full diversity of San Francisco's population contribute to its successful renovation.

Attached Documents:

HRC Form 5
Worker Request Form
Waiver Request Form
Report on Placements

HRC FORM 5: CONSTRUCTION

EMPLOYMENT AND FIRST SOURCE HIRING INFORMATION

This form shall completed by the Bidder and every listed subcontractor (see HRC Attachment 1 page 13 paragraph 4.03A) and supplier with a subcontract or purchase order of $50,000 or more. The apparent low Bidder shall submit these forms directly to the appropriate HRC Compliance Officer by 5:00 p.m. on the fifth business day after Bid opening.

This form replaces First Source Hiring Form 458 on PUC jobs.

This form must be completed and returned in a timely manner or the Bid may be determined non-responsive and rejected. Subcontractors are required to sign this form under penalty of perjury.

Contract Number: _____ Contract Title: _____

SECTION I

Name: _____ Vendor Number: _____

Address: _____

Phone: _____ Type of Contractor's License(s): _____ Federal I.D. Number: _____

SECTION II

1. *Submit copies of the last 4 quarters of the California Quarterly Payroll Tax Record. List all employees that you plan to utilize on this project.*

Date of most recent hire	EMPLOYEE NAME[1]	TRADE [carpenter, admin., sales]	CLASSIFICATION [journeyperson, apprentice/secretary, outside sales]	RACE[2]	SEX

[1] Mark with an asterisk all those employees that will be assigned to this project.
[2] Indicate which of the following: American Indian/Alaskan Native, Asian/Pacific Islander, Black, Filipino, or Latino

2. *List below how many people you will assign to this project and in what trades (contractors only). Instructions for completing the tabulated data below are as follows:*

   a. *Obtain HRC goals from Paragraph 4.03H (p.14)*
   b. *Multiply column 5 by column 7 and place result in column 8*
   c. *Multiply column 6 by column 8 and place result in column 9*

   Please note that the First Source Hiring Program must be given the opportunity to fill all new apprenticeship positions.

1	2	3	4	5	6	7	8	9
Trade	**Number of People**	**Number of Estimated New Apprentice Hires**	**Number of Estimated Total New Hires**	**HRC Goal for Minority Participation (%)**	**HRC Goal for Women's Participation (%)**	**Total Hours Estimated in Each Trade**	**# Minority Hours**	**# Woman Hours**

3. *Explain in detail your method of hiring and the provisions of your collective bargaining agreement (if applicable) that concern hiring procedures. This explanation should make quite clear the procedures to be followed when job applicants are referred to your company.*

_____

_____

_____

SECTION III

I will ensure that my firm complies fully with the provisions of Chapter 12B of the San Francisco Administrative Code.

I acknowledge and am hereby advised that upon a finding of non-compliance with the provisions of Chapter 12B, the City is authorized to impose penalties which may include financial penalties and disqualification from providing goods and services to the City and County of San Francisco for a period not to exceed two years.

I declare that the above provisions are attested to under penalty of perjury under the laws of the State of California.

_____ _____

Owner/Authorized Representative (Print) | Name of Firm, Partnership or Joint Venture (Print)

_____ _____

Owner/Authorized Representative | Date

PUC/HRC CONSTRUCTION JOBS/FIRST SOURCE HIRING PROGRAM

WAIVER REQUEST FORM

Please complete all boxes below and fax this form to the HRC, attention Brian Thomas, at 415-554-3107.

Waiver Request #: _____

Contractor Information:

1. Project # _____ Project Name _____
2. Job Site Location _____ 3. Contractor _____
4. Contact for Waiver _____ 5. Phone _____

Waiver Information:

1. _____ _____
   Name of Worker Trade & Level (e.g. app. carpenter)

2. _____ _____ _____
   Dates worker was absent # of Hrs Pay Period Ending

   _____ _____ _____
   Dates worker was absent # of Hrs Pay Period Ending

   _____ _____ _____
   Dates worker was absent # of Hrs Pay Period Ending

   _____ _____ _____
   Dates worker was absent # of Hrs Pay Period Ending

3. _____
   Reason for request: (e.g. training, sick, no show, late. Use reverse side if needed).

   _____

_____ _____ _____
Signed Please print your name Date

Approved by HRC Yes _ No ___ Date _____ Staff _____

Reason for Disapproval: _____

_____

_____

SAN FRANCISCO HUMAN RIGHTS COMMISSION
DIVERSITY, LOCAL& FIRST SOURCE HIRING PROGRAM (CHAPTER 12B, CHAPTER 6 AND CHAPTER 83 OF THE SAN FRANCISCO ADMINISTRATIVE CODE)
SAN FRANCISCO PUBLIC UTILITIES COMMISSION CONSTRUCTION CONTRACTS
Commencement Date: October, 2002

Placements	People	Active	Ethnicity	Gender	Project #	Project Name	Department	Prime Contractor	Contractor	Hire Date	Layoff Date	Trade	Level	Stage	First Source	CBO	Referral	Local	Comments
1	1		B	M		Laquna Honda	DPW	Mitchell Engineering	Mitchell Engineering	07/01/03	09/03/03	Laborer				MHH		Y	Laid off
2		Y	B	M	WD-2283	Clarendon Pump Station end pipelines	PUC	Mitchell Engineering	Mitchell Engineering	10/01/03	12/01/03	Laborer				MHH		Y	Laid off
3	2		A	M	WD-2387	Lombard Street Resevoir	PUC	ProVen Manegement	Wagner Construction	07/03/03		Labor				CCA		Y	Quit unexpectedly to take enother job
4	3		B	M	WD-2384	8 Inch DIM Installation on Greenwich	PUC	J.Flores Construction	J.Flores Construction	10/02/02	06/01/03	Laborer				MHH		Y	Laid off et the end of the job
5		Y		M	CW-277	Chestnut/Octavia Streets Sewer Replecement	PUC	JMB Construction	JMB Construction	07/01/03		Laborer				MHH		Y	Chestnut/Octavia Street
6	4	Y	W	F	WD-2387	Lombard Street Resevoir	PUC	ProVen Mangement	Bay Area Reinforcing	09/03/03		Rebar	Apprentice	1	Y	MHH		Y	
7	5		A	M	WD-2387	Lombard Street Resevoir	PUC	ProVen Management	R&W Concrete	11/01/03	11/03/03	Apprentice				CAA		Y	Quit after one day
8	6		B	M	WD-2391	Lane Street Pump Station	PUC	MLS Construction	Millard Tong Construction	12/03/03		Carpenter				YCD		N	
9	7		B	M	WD-2371	Pulgas Dechloramination Facility	PUC	ProVen Mangement	Marinship Construction	10/02/02	07/03/03	Laborer				YCD		Y	
10		Y	B	M		Laqune Honda	DPW	ProVen Management	Marinship Construction	09/03/03		Laborer				YCD		Y	
11	8		B	M	WD-2391	Lane Street Pump Station	PUC	Millard Tong Construction	MLS Construction	12/01/03		Laborer				YCD	CFC	Y	Not enough work - laid off
12		Y	B	M	WD-2387	Lombard Street Resevoir	PUC	ProVen Management	R&W Concrete	02/23/04		Laborer				YCD	CFC	Y	
13	9		B	M	WD-2372	Sunol Valley end Harry Tracy Chloremination Facilities	PUC	Shimmick/Homer Olsen, JV	Marinship Construction	10/02/03	07/03/03	Laborer				YCD		Y	
14		Y	B	M	WD-2387	Lombard Street Resevoir	PUC	ProVen Management	R&W Concrete	09/03/03		Carpenter	Apprentice	5		YCD		Y	
15	10		B	F	CW??	??	PUC	JMB Construction	JMB Construction	04/07/03		Laborer				MHH		Y	Working on Bay Bridge
16	11		B	M		3rd Street Light Rail	MUNI	Mitchell Engineering	Mitchell Engineering	05/03/03		Laborer				YCD		Y	
17		Y	B	M	HH-871	San Joaquin Pipeline #1 Replace Mortar Lining	PUC	Mitchell Engineering	Mitchell Engineering	01/03/03	05/03/03	Laborer				YCD		Y	
18	12		B	M	HH-871	San Joaquin Pipeline #1 Replace Morter Lining	PUC	Mitchell Engineering	Mitchell Engineering	01/03/03	04/01/03	Laborer				YCD		Y	
19		Y	B	M		3rd Street Light Rail	MUNI	Mitchell Engineering	Mitchell Engineering	05/03/03		Leborer				YCD		Y	
20	13	Y	B	M	WD-2391	Lane Street Pump Station	PUC	Millard Tong Construction	Millard Tong Construction	01/04/04		Leborer				YCD		Y	Hed worked with Millerd Tong previously
TARGETED PLACEMENTS																			
21	14		A	M	WD-2378	Potrero Helghts Supply Line	PUC	A. Ruiz Construction Co	A. Ruiz Construction Co	03/22/04		Laborer				YCD	A.I.G.A. 1		
22	15		B	M	WD-2407	McLaren Park Tank Outlet	PUC	A. Ruiz Construction Co	A. Ruiz Construction Co	03/17/04		Laborer				Potrero Hill			
23	16		B	F	WD-2449	Summit Resevoir Seismic Retrofit and Improvments	PUC	Mitchell Engineering	Mitchell Engineering	03/22/04		Carpenter	Apprentice	1		YCD			
24	17		B	M	CW-263R	SEWPCP Interim Gravity Belt Thickener	PUC	Schram Construction	Schram Construction	03/22/04		Laborer				YCD			

Notes: 1. All placements who work 3 months or more ere tracked for 18 months. 2. Placements are limited to projects of $1M or more end which will last over 6 months. 3. Placements are made on projects less than $1M and under 6 months duretion when the successful contractor is e regular contrector with PUC and referred worker will be able to move from project to project, i.e. Flores, JMB. 4. As of 1/20/04, there have been a totel of 18 plecements, representing 12 people, 6 of whom heve been placed on multiple projects. 5. Eight of the 12 people who heve been placed are currently working under the auspices of this progrem, 2 moved on to other jobs of their own eccord, 1 quit beceuse the work was too heavy and one is currently laid off.

PUC/HRC CONSTRUCTION JOBS/FIRST SOURCE HIRING PROGRAM

WORKER REQUEST FORM

Please fax the completed form to the HRC, attention Brian Thomas, at 415-554-3107, at least 72 hours before you are ready to interview candidates.

Contractor Information:

1. Project # _____ Project Name _____
2. Job Site Location _____ 3. Weeks on Job _____
4. Contractor _____ 5. Type of Work _____
6. Contact for Referral _____ 7. Phone _____
8. Contact at job site _____ 9. Phone _____

Worker Information:

1. Type and Level of Worker Requested (e.g. apprentice carpenter) _____
2. Special Skills and/or Experience Required _____
3. Union Local _____
4. Date of Request _____ 5. Requested Start Date _____
6. In order to meet diversity goals, you may indicate preferences for gender and/or ethnicity. HRC cannot guarantee that your request will be fulfilled, but we will forward the information to the referring CBOs. _____
7. Comments _____

_____

_____ _____ _____
Signed Please print your name Date

Name of Referred Worker _____ Phone_____

CBO _____ Contact_____ Phone_____

Start Date _____ Trade & Level _____ Union Local_____

City and County of San Francisco

Gavin Newsom
Mayor

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DRAFT

March 25, 2004

Hon. Matt Gonzalez, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear President Gonzalez:

We are writing to encourage the Board of Supervisors to take an active position in favor of the Domestic Partner Health Benefits Equity Act (Senate Bill 1702), a bill that was introduced in October 2003, by Senators Bob Graham (D–Florida) and Gordon H. Smith (R–Oregon).

As you know, the number of employers extending benefits to the domestic partners of their employees has skyrocketed over the past six years, largely due to the enactment of the pioneering San Francisco Equal Benefits Ordinance and similar laws around the country. Unfortunately, the federal tax code has not kept pace with this trend. As a result, under the current federal tax code, an employer's contribution toward the cost of health insurance for an employee's spouse is excluded from the employee's taxable income, whereas an employer's similar contribution for a domestic partner's health insurance is treated as part of the employee's taxable income.

This "imputed income" rule prevents employees from being treated equally in the workplace and creates an undue burden on businesses who are required to create a two-track payroll system.
Senate Bill 1702 would remedy this discriminatory policy by amending the Internal Revenue Code to extend the tax exclusion to employer-provided health insurance for domestic partners.

Although the HRC, through implementation of the Equal Benefits Ordinance, has taken great steps to ensure that City contractors provide benefits equally to employees with spouses and those with domestic partners, employees with domestic partners will not truly be equal in the

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workplace until they no longer are required to pay taxes on benefits that are given tax free to employees with spouses.

The passage of S 1702 will move forward the City's commitment to addressing discrimination in the workplace including for its own employees. The Board's support of S 1702 is greatly appreciated.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

cc: Members, Board of Supervisors
Gloria Young, Clerk of the Board

MAH/yl

Domestic Partner Health Benefits Equity Act

Senators Introduce Bipartisan Bill to Equalize Tax Benefits For Health Benefits for Domestic Partners

WASHINGTON, DC—A bipartisan group of senators led by Bob Graham, D-Florida, and Gordon H. Smith, R-Oregon, filed a bill in October to simplify the tax code and recognize the trend among both private and public employers that are providing domestic partner health insurance benefits to their employees.

At least 200 Fortune 500 companies, including General Motors, Chevron, Texaco, Boeing, Hewlitt-Packard and Citigroup, and 172 state & local governments provide health insurance coverage to the domestic partners of their employees.

The federal tax code has not kept up with this movement, however, because the employers who offer these benefits and the employees who receive them are treated inequitably.

CURRENT LAW

Under current law, while an employer's contribution for the health insurance of an employee's spouse is excluded from the employee's taxable income, the tax code requires that a similar contribution for an employee's domestic partner be treated as part of the employee's taxable income. Also, an employer's payroll tax liability is based on its employees' taxable incomes, forcing businesses to create a two-track payroll system.

"We want to simplify the tax code, offer equal treatment to all workers, and eliminate this bookkeeping burden for employers," Graham said. "At a time when the number of Americans without health insurance coverage is growing, we should be offering incentives to businesses to keep productive employees on their payrolls and under their insurance plans."

Joining Graham and Smith as original co-sponsors of the Domestic Partner Health Benefits Equity Act are Senators Barbara Boxer, D-California; Lincoln Chafee, R-Rhode Island; John Corzine, D-New Jersey; and Ron Wyden, D-Oregon. ▲ —*HRC*

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Shirley Dimapilis
Vernon C. Grigg III
Yoel H. Kahn
Larry Lee
Ellouise Patton
Johnnie Rollins
Sanrda E. Sohcot
Theresa Sparks
Charles L. Ward

DRAFT

March 25, 2004

Hon. Matt Gonzalez, President
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

Dear President Gonzalez:

The Human Rights Commission voted unanimously today to request that the Board of Supervisors actively support California Assembly Bill 1967. This bill, entitled the California Marriage License Non-Discrimination Act, was introduced by Assemblyman Mark Leno. The bill would amend the California Family Code to enable two persons, rather than only a man and a woman, to be recognized in civil marriage in California.

Same-sex couples have been denied the civil right of marriage throughout the history of this state and other states. With San Francisco taking the bold step of recently issuing over 4,000 marriage licenses to same-sex couples, we have seen dramatic illustrations of the life-long commitment same-sex couples make, yet these couples continue to be denied the rights of opposite-sex couples who are allowed to marry. As Mayor Newsom and other City officials have eloquently stated, this is a violation of the equal protection provisions of the state and federal constitutions. AB 1967 would correct this official inequality in California.

Though San Francisco and California have been in the forefront of extending rights to domestic partners, the denial of the right of same-sex couples to marry diminishes the ability of these couples and their children to enjoy equal access to official recognition and to the rights, benefits, and responsibilities that strengthen these family units.

As the struggle for marriage equality continues and grows in strength, the Board of Supervisors' support of AB 1967 will be crucial in achieving the goal of equal rights for all Californians.

Sincerely,

Malcolm A. Heinicke
Chair of the Human Rights Commission

MAH/lb
cc: Members, Board of Supervisors
Gloria Young, Clerk of the Board

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City and County of San Francisco
Human Rights Commission

March 25, 2004

These minutes were approved by Commission vote on 04-08-04

Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:40 p.m.

Commissioners Present	*Commissioners Excused*
Shirley Dimapilis	Khaldoun Baghdadi
Malcolm A. Heinicke, *Chair*	Vernon C. Grigg III
Yoel Kahn (arr. at 4:50 p.m.)	
Larry Lee (left 6:02 p.m.)	
Ellouise Patton (arr. at 4:55 p.m.)	
Johnnie Rollins	
Sandra Sohcot	
Theresa Sparks	
Charles Ward (arr. at 5:33 p.m.)	

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HRC Staff Present

James Fields, Acting Director; Toni A. Delgado, Commission Secretary; Larry Brinkin; Bayard Fong; Cynthia Goldstein; Veronica Ng; Ellise Nicholson; Diana Rathbone and mary Gin Starkweather.

Guests Present

Bryan Thomas

A quorum was present.

Circulate General Communications File

No general communications file was circulated.

Public Comment on Items Not on the Agenda

There was no public comment.

4. Approval of minutes of Commission Meeting of February 26, 2004

The minutes of the February 26, 2004 Commission meeting was moved (Dimapilis), seconded (Lee) and APPROVED by the following vote:

Ayes	6	Dimapilis, Heinicke, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	2	Baghdadi, Grigg

At the request of the Chair, Commissioner Socot did not vote on this item as these meetings occurred before her appointment. New Commissioners Patton and Kahn were not present for this item.

There was no public comment on this item.

5. Approval of minutes of Commission Meeting of March 11, 2004

The minutes of the March 11, 2004 Commission meeting was moved (Dimapilis), seconded (Lee) and APPROVED by the following vote:

Ayes	6	Dimapilis, Heinicke, Lee, Rollins, Sparks, Ward
Noes	0	
Absent	2	Baghdadi, Grigg

At the request of the Chair, Commissioner Socot did not vote on this item as these meetings occurred before her appointment. New Commissioners Patton and Kahn were not present for this item.

There was no public comment on this item.

6. Introduction of Newly Appointed Commissioners

Chair Heinicke welcomed the three new Commissioners, Rabbi Yoel Kahn, Ellouise Patton and Sandra Sohcot. He stated that the Commissioner Swearing-In Ceremony occurred on St. Patrick's Day, March 17th and Commissioners Kahn, Patton and Sohcot were among the first appointments made by Mayor Newsom. Chair Heinicke spoke briefly about the HRC's advisory Committees and asked the Commissioners to think about what Committee they might be interested in serving on.

There was no public comment on this item.

7. Individual Commissioner Reports on Community Activities

Commissioner Dimapilis stated that she attended a St. Patrick's Day festivity where HRC Staffer Larry Brinkin's child performed.

Commissioner Lee stated that he met with the San Francisco Unified School District to discuss educational and training opportunities for students who cannot or wish not to attend college. Commissioner Lee stated that many high schools do not have "shops" (mechanical, auto, printing, etc.) any more and he hopes to work with the

school district to offer shops again.

Chair Heinicke stated that in late January federal authorities raided homes in the Sunset district to crack down on a prostitution ring. This raid involves potential human rights violations as some of the women involved were indentured or enslaved to people who brought them from their home country in Asia under false pretenses and were treated inhumanely. Chair Heinicke has met with Sup Ma and federal prosecutor to discuss ways to support the federal authorities and make our City a model for zero tolerance on these types of issues. Neighborhood activism is key element in addressing and identifying these international prostitution rings that are operating in residential neighborhoods. A checklist on how neighbors can help will be printed in the Sunset Beacon in the next couple of weeks and the HRC will closely monitor this issue.

Chair Heinicke stated that he and Director Harmon met with Steve Kawa, the Mayor's Chief of staff to discuss the M/W/LBE program as well as issues concerning same-sex marriage.

Chair Heinicke announced the new Committee members for the m/W/LBE Advisory Committee, Sara Lui, Revel Smith, Michael Ma, Frederick Shumate', Tim Fong; Employment Bridgett Brown, F. Ross Vidal; Issues, Carlos Cardonia, Oliver Gutierez, James Rodrigez; LGBT Dora Balcaza, David Cameron, Ben Chan, Rebecca Freund, Adian Calla, Patrick MlCahehy, Wren Phillips and Brookline Thomas.

There was no public comment on this item.

8. Presentation of HRC resolution honoring the life of Harold T. Yee

Bayard Fong (HRC Staff) stated that before he began working with the HRC he had the opportunity to work with Mr. Yee on community issues, voter education and voter registration. Mr. Fong read the resolution into the record and introduced Ed Tong and former HRC Staffer Doug Chan.

Mr. Douglas Chan spoke on behalf of CAABA. Mr. Chan provided his testimony for the record (see attached).

On behalf of the Yee family, Mr. Ed Tong thanked the HRC. Mr. Tong stated that Mr. Yee was extremely dedicated to civil rights and Mr. Tong said that if Mr. Yee were here to see this resolution, he would want the Commission to know that there were many people who were involved in the creation of the M/W/LBE Ordinance such as the Coalition for Economic Equity, Eileen Hernandez, Tony Ruiz, Robert Szeto and Comer Marshall.

Mr. Tong stated that through the recent re-authorization of the Ordinance Mr. Yee fought for set-asides which would benefit minority communities. Mr. Tong thanked the HRC for their condolences and for acknowledging his work.

There was no public comment on this item.

9. Approval of letter to the San Francisco 49ers expressing concern about homophobia in employment

Ellise Nicholson (HRC Staff) presented the letter to the San Francisco 49ers expressing concern about homophobia in employment. She stated that the HRC had previously written a similar letter in 2002 regarding homophobic behavior and this letter is in response to comments made by Lindsay McLean in an article in the San Francisco

Chronicle where he references continued homophobic behavior within the 49er organization. This letter asks the 49ers to address the HRCs concerns and also offers training to the organization on LGBT sensitivity to mgmt staff and players and legal issues.

Commissioner Kahn asked if the news article prompted this letter, and/or if Mr. McLean has further provided evidence of this culture within the organization. Ms. Nicholson stated that this letter was based on the comments made by Mr. McLean in the news article, citing a continued homophobic climate within the 49er organization, in addition to the letter that the HRC wrote in 2002 regarding homophobic comments made by player Garrison Hearst, which the 49ers never responded to.

Chair Henicke stated that he spoke with Dr. York personally about this issue and Dr. York has shown responsiveness by attending in outreach events in the Castro and in the Haight, which shows an effort on their part.

Commissioner Sohcot asked if the HRC will follow up on this issue and Ms. Nicholson stated that the letter asks for a formal response as well as offers sensitivity training. Chair Heinicke stated that this is the same training that the HRC offered the 49ers in 2002 which they turned down.

Commissioner Sparks asked if the HRC had contacted Mr. McClean and made him aware that this letter was being sent. Commissioner Sparks stated that she would like to see this letter go through the LGBT Advisory Committee.

There was no public comment on this item.

A motion to send the letter to the San Francisco 49ers expressing concern about homophobia in employment back to the LGBT Advisory Committee for further consideration was moved (Rollins) seconded (Dimapilis) and APPROVED by the following vote:

Ayes	9	Dimapilis, Heinicke, Kahn, Lee, Patton, Rollins, Sohcot, Sparks, Ward
Noes	0	
Absent	2	Baghdadi, Grigg

10. Approval of letter to the San Francisco Chronicle protesting the decision to prevent a reporter and photographer who are in a same sex marriage from writing about same sex marriage

Ms. Nicholson presented the letter to the San Francisco Chronicle to the Commission. She stated that a photographer and a writer who participated in a same-sex marriage were removed by Chronicle management, from covering stories regarding same-sex marriage because they chose to marry.

Because there was no time sensitivity to publish this letter, Commissioner Sparks suggested that this letter be discussed at the LGBT Advisory Committee. Chair Heinicke suggested that the LGBT also invite a representative from the Chronicle to participate in this discussion.

Commissioner Kahn also noted that the Chronicle is not the only media outlet to pull

gay reporters off covering same-sex marriage stories and perhaps the HRC can make further inquiries.

There was no public comment on this item.

A motion to send the letter to the San Francisco Chronicle protesting the decision to prevent a reporter and photographer who are in a same sex marriage from writing about same sex marriage back to the LGBT Advisory Committee for further consideration was moved (Lee) seconded (Dimapilis) and APPROVED by the following vote:

Ayes	9	Dimapilis, Heinicke, Kahn, Lee, Patton, Rollins, Sohcot, Sparks, Ward
Noes	0	
Absent	2	Baghdadi, Grigg

11. Equal Opportunity (EO) Division
Presentation on HRC Employment Programs for San Francisco Public Utilities Commission's (PUC) Contracts

Acting Director Fields introduced Diana Rathbone (HRC Staff) and Bryan Thomas with Water Infrastructure Partners (WIP). Ms. Rathbone stated that this employment program was started by the PUC in response the $2 billion dollar, 13 year Hetch Hetchy Renovation Project. In addition to this project, there will be another $2 billion dollar bond issued for the clean water program (sewage system). Through these two projects, there are many construction employment opportunities as well as internships in the design portion of these projects.

This program, administered by the HRC, has combined many hiring programs, including the First Source hiring program, and was modeled after the Seismic Retrofit Program which seeks to provide long-term employment, and donated tools, hard hats, day care, and legal intervention. The goal of this program is to meet the City's Diversity Task Order, which requires that fifty percent of construction hours are fulfilled by local residents. These residents are hired through community based organizations such as Mission Hiring Hall, YCD, et cetera.

Ms. Rathbone introduced Bryan Thomas and stated that Mr. Thomas has been handling the MBE/WBE outreach at the PUC as well as assisting with the employment program. Mr. Thomas stated the Task Order created the opportunity to fulfill employment in the areas of local hiring, diversity or apprenticeship. Mr. Thomas stated that at the pre-construction meeting for a particular project, Diana would provide data about what area the contractor was weak in hiring—local, diversity or apprenticeship—and they would offer a potential employee and get a commitment right then and there. Mr. Thomas stated that the program has been very successful.

There was no public comment on this item.

12. Employment Committee: Report of March 04, 2004 Meeting

Mary Gin Starkweather (HRC Staff) stated that the Committee welcomed Commissioner Grigg as a Co-Chair as well as two new members, Richard Brown and F. Ross Vidal. In honor of National Women's Month, the Committee heard a presentation

on the Overview of the International Museum of Women, the first of museum worldwide to honor the lives and history of women. The museum is slated to open in 2006 and will be located at Pier 26. The Committee also received a presentation from the Commission on the Status of Women (COSW) regarding their goals, domestic violence, and CEDAW. The Committee also received reports from HRC Staffer Mary Tramil discussing the employment of minorities an women on Airport construction projects and HRC Staffer Frank Anderson regarding goals for minorities and women in the construction trade.

There was no public comment on this item.

13. Issues Committee: Report of March 10, 2004 Meeting

Commissioner Rollins stated that the Issue Committee discussed the letters that were sent to MUNI regarding the profiling of Arab-American youth and possible sensitivity training. MUNI responded to the second HRC letter stating that they never received the first one and noted that they forwarded the second one to the Director of Transportation for further action. An member of the issues committee who works for MUNI stated that the department is offering and encouraging diversity training. Commissioner Rollins noted that April is Fair Housing Month and the Committee voted to recognize Nancy Kenyon, a fair housing advocate. The Committee thanked and bid farewell to Commissioner Baghdassarian.

There was no public comment on this item.

14. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of March 16, 2004 Meeting

Ms. Nicholson stated that the Committee welcomed and introduced their new members and met Joe Carusoe, The Mayor's LGBTH liaison who was very accessible, encouraging, and exited about LGBT issues. The Committee heard reports from the Intersex Task Force regarding the May 27th Hearing and the Homeless Queer Youth Task Force regarding the recent LGBTAC white paper. The Committee will be holding its annual retreat to identify goals and issues for the upcoming program year on Sunday April 4 from 8:30 - 5:00 at the HRC Main Office. The Committee received a presentation from the Transgender Law Center regarding education, training, legal services and policy work in this area. The Committee approved two letters to be presented to the Commission. (These letters are described in the following two items of these minutes).

There was no public comment on this item.

15. Approval of letter to SF Board of Supervisors encouraging their support for the Federal Domestic Partner Health Benefits Equity Act (Senate Bill 1702), which would extend the tax exclusion for employer provided health insurance to domestic partners of employees (LGBTAC)

Ms. Nicholson presented the Commissioners with the letter to SF Board of Supervisors encouraging their support for the Federal Domestic Partner Health Benefits Equity Act (Senate Bill 1702). Ms. Nicholson stated that employers' contributions toward health insurance of employee's spouses are not counted as taxable income, but employers' contributions toward health insurance of domestic partners are.

There was no public comment on this item.

Approval of letter to SF Board of Supervisors encouraging their support for the Federal

Domestic Partner Health Benefits Equity Act (Senate Bill 1702), which would extend the tax exclusion for employer provided health insurance to domestic partners of employees was moved (Dimapilis) seconded (Kahn) and APPROVED by the following vote:

Ayes	9	Dimapilis, Heinicke, Kahn, Lee, Patton, Rollins, Sohcot, Sparks, Ward
Noes	0	
Absent	2	Baghdadi, Grigg

16. Approval of letter to SF Board of Supervisors encouraging their support for the California Marriage License Non-Discrimination Act (Assembly Bill 1967), which would amend the California Family Code to enable two persons, rather than only a man and a woman, to be recognized in civil marriage in California (LGBTAC)

Ms. Nicholson presented the Commissioners with the letter to SF Board of Supervisors encouraging their support for the California Marriage License Non-Discrimination Act (Assembly Bill 1967). Ms. Nicholson stated that this bill would allow two people of the same-sex to obtain civil marriage licenses.

There was no public comment on this item.

Approval of letter to SF Board of Supervisors encouraging their support for the California Marriage License Non-Discrimination Act (Assembly Bill 1967), which would amend the California Family Code to enable two persons, rather than only a man and a woman, to be recognized in civil marriage in California was moved (Sohcot) seconded (Dimapilis) and APPROVED by the following vote:

Ayes	9	Dimapilis, Heinicke, Kahn, Lee, Patton, Rollins, Sohcot, Sparks, Ward
Noes	0	
Absent	2	Baghdadi, Grigg

17. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

There was no public comment on this item.

18. Adjournment

There being no further business, the meeting was adjourned at 6:35 p.m. in the memory of Fred Richardson.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were

heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, April 08, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Shirley Dimapilis
Vernon C. Grigg III
Yoel H. Kahn
Larry Lee
Ellouise Patton
Johnnie Rollins
Sandra E. Sohcot
Theresa Sparks
Charles L. Ward

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Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR April/May 2004

April 01
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 08
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

April 14
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 21
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

April 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 06
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 12
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 13
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

May 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 19
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

May 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of March 25, 2004
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

REPORT OF THE CHAIR

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

6. Presentation of Chapter 12.D.A. Waiver Report for March
   Discussion Item - Attachment Provided
   Present: M. Kanios

HRC DIVISION REPORT
APRIL: NATIONAL FAIR HOUSING MONTH

7. Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division
   April: National Fair Housing Month: A History
   Discussion Item - No Attachment
   Present: E. Ilumin

8. Presentation of Certificate of Commendation to Nancy Kenyon
   Discussion Item - Attachment Provided
   Present: C. Herrera and D. Hesse, First Source Hiring Administrator

9. Report on the "*Analysis of Impediment to Fair Housing*" in San Francisco
Discussion Item - Attachment is voluminous and not attached to this agenda. PDF file can be viewed at:
http://www.sfgov.org/site/uploadedfiles/moh/Reports/2003Analysis_Impediments.pdf
Present: E. Ilumin and A. F. Klein, Planning and Monitor Director of the S.F. Mayor's Office of Housing

COMMITTEE REPORTS

10. Presentation of HRC Committee's Goals and Membership for 2004-2005 Program Year
Discussion Item - Attachment to be provided at meeting
Present: All Committee Staffers Reporting

11. Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of March 17, 2004 Meeting
Commissioner Charles Ward, Chair
Commissioner Khadoun Baghdadi, Vice-Chair
Commissioner Shirley Dimapilis, Vice-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

12. Discussion and possible approval of Draft Agenda for the May 27, 2004 Intersex Public Hearing (LGBTAC)
Commissioner Theresa Sparks, Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo
Action Item - Attachment Provided

REGULAR BUSINESS

13. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

14. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

San Francisco Administrative Code Chapters 12D.A
Sole Source Waiver Report for April 8, 2004

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of March.

1. **Granted:** Public Health requested a waiver for UCSF to provide orthotics and prosthetics ($350,000); emergency medical services ($901,712); physician services ($228,000) at SFGH.

   UCSF Orthotics and Prosthetics at SFGH was established through a UCSF affiliation agreement to routinely provide or manufacture, on demand, ordinary orthotics and prosthetics, customized to physician specifications, in the treatment of patients at SFGH. UCSF was the only respondent to the RFQ conducted by the Department.

   UCSF Emergency Medical Services is the sole provider of physicians for the SFGH Emergency Room and has contracted on an on-going basis with the Department to provide the Fire Department's EMS Medical Director I and II.

   UCSF Physician Services for the Tuberculosis Control Clinic at SFGH program was established in 1982 as a collaboration between UCSF and the Dept. of Public Health. This program provides integrated on-site physician services involving review of chest films for TB screening, diagnosis, medical management, and treatment through multiple patient visits.

2. **Granted:** Department of the Environment requested a waiver for San Francisco Honda ($250,000) to lease 2 hydrogen fuel celled vehicles and the necessary infrastructure for the 2-year hydrogen vehicle pilot project. In 2001 the SF Board of Supervisors and the Mayor adopted the Greenhouse Gas Emissions Reduction resolution calling for the City to reduce its greenhouse emissions 20% below the 1990 levels by 2012. San Francisco and the Bay Area are out of compliance with federal and state clean air standards. San Francisco's long held policy of adopting clean alternative vehicle technologies is now underway. Several companies responded to the RFI. SF Environment staff gathered information from these responses and instead of a bidding process they decided to negotiate directly with Honda:

   Honda quoted significantly lower costs than the other (Toyota) vehicle manufacturer who responded.
   Honda was the only vehicle manufacturer who was willing and able to provide a lease for both the vehicles and the fueling infrastructure needed to support them.
   Honda contracted with the City of Los Angeles in an identical pilot project last year that has been very successful.

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3. **Granted:** Fire Department requested a waiver for Neu-Tech Sales ($142,200) to enter into a three (3) year Equipment Maintenance Agreement for annual inspections on all vehicle exhaust extraction systems located within the 42 fire stations. This firm is the only authorized Nederman Fire & Emergency Vehicle Exhaust Extraction Systems representative in the San Francisco area and northern California for service, installation and parts. Neu-tech technicians are factory trained by authorized Nederman personnel to validate the equipment warranty.

4. **Granted:** Public Health requested a waiver for Dobri D. Kiprov, MDPC, DBA BAMAP (Bay Area Mobile Apheresis Program)($250,000) to provide on call, as-needed, mobile therapeutic apheresis services to San Francisco Hospital Medical Center (SFGHMC). Therapeutic Apheresis or dialysis services is a procedure, using automated FDA approved devices in which a patient's blood is collected, separated into its components, the suspected pathologic components are discarded, and then the remaining blood, with its components and replacement fluids are returned to the patient. BAMAP is the only firm that provides this mobile service. With ever increasing demand for this service, the critical need to provide timely treatment, the current practice of providing as-needed services through a mobile provider id the optimal means to forestall the need for full dialysis treatment at a dialysis center.

5. **Denied:** Public Health retroactively requested a waiver for J David Gladstone Institutes ($80,000) to provide "HIV resistance Testing" on blood samples collected from clients served at CHN Health Centers, SFGH clinics, SF Jails and Clinic Consortium clinics for the current fiscal year. The work is already being performed. Waivers cannot be granted retroactively.

6. **Port** requested a waiver for Air-Transport IT Services ($33,300) to provide annual software maintenance services. The Port implemented a software package called PROPworks in order to automate its Lease Management and Customer Billing function. This firm is the only company authorized to maintain and support this product. Development rights and copyrights to this software lie totally within the purview of this firm.

7. **Public Health** requested a waiver for Greyhound Bus Lines ($40,000) to provide transportation services for long distance land travel for mental health clients in need of treatment in other cities. They are the only provider of this service.

8. **Public Health** requested a waiver for BioMerieux Inc Vitek ($110,000) to purchase ELIA test reagents to screen oral fluid samples for the HIV-antibody. They are the only supplier of these test kits.

9. **Public Health** requested a waiver for Bayer Diagnostics ($500,000) to purchase the Chiron HIV Viral Load diagnostic kits which are proprietary components of the 340 Quantiplex Analyzer for viral load assay. The 340 Quantiplex Analyzer currently in place in the DPH

Microbiology Laboratory is specifically designed for these diagnostic kits. Bayer is the sole source for the kits since Bayer acquired the Chiron Corporation.

10. **Public Health** requested a waiver for California Water Service ($60,000) to provide water service to the new Laundry Facility at Oyster Point. CWSC is the sole provider of water service to South San Francisco whose jurisdiction includes Oyster Point. Therefore, Public Health must contract with CWSC to access water service for the new laundry facility.

11. **Public Health** requested a waiver for Mead Johnson Nutrition Group ($90,000) to provide nutritional supplements manufactured and available only through this vendor. The physician and dietician staff at Laguna Honda Hospital determined that the Mead Johnson products best meet the nutritional needs of their residents.

12. **Public Health** requested a waiver for Becton Dickinson ($600,000) to provide B-D TB and STD test kits and reagents for its laboratory, TB Control and STD Control's City Clinic. The B-D test kits and reagents are proprietary components to B-D testing instrumentation and systems in place.

13. **Public Health** requested a waiver for Fisher Scientific ($400,000) to provide "Drug Test Mailing System" kits and other laboratory items manufactured only form Fisher Scientific. These kits were initially selected based on a directive form the CDC to use this product for the mailing in of study samples, urine specimens, for HIV testing at DPH Laboratory.

14. **Public Health** requested a waiver for Fisher Scientific ($95,000) to provide pregnancy test kits and laboratory items that are the standard for use at the Clinical Laboratories at SFGH. In practical lab applications, competing products did not have the exacting tolerances necessary to complement existing Fisher lab components and instrumentation which compromised test accuracy and safety. Breakage occurred more frequently when using glassware products from competing vendors such that staff would only use Fisher products to protect personal health and safety.

15. **Public Health** requested a waiver for North Coast Medical ($50,000) to provide rehabilitation assist devices available only through this vendor. North Coast Medical is the sole distributor for the overhead pulley systems used at both Rehabilitation units at L Honda Hospital and SFGH, the specifications, large grips, padded thumb pulls, of their devices are not duplicated in similar products available form other such vendors.

/mk

City & County of San Francisco
Human Rights Commission

Certificate of Commendation

Presented in observance of National Fair Housing Month

8 April 2004 to

Nancy B. Kenyon

The Human Rights Commission is pleased to
honor and commend Nancy B. Kenyon
for her outstanding commitment, dedication,
and leadership to ensure equal rights and fair housing
to citizens throughout San Francisco and California.

Malcolm A. Heinicke
Commission Chair

/ss

Human Rights Commission Meeting: April 8, 2004

PROFILE OF NANCY B. KENYON
HRC'S FAIR HOUSING MONTH HONOREE, APRIL 2004

Nancy Kenyon's heart is in San Francisco, a longtime resident and a civil rights leader.

Nancy Kenyon has a long history working with the San Francisco Human Rights Commission, Fair Housing Unit for a number of years.

She has worked in fair housing since 1963, before fair housing laws were passed.

Nancy Kenyon worked for the NAACP Special Contributions Fund in 1979 in San Francisco, which brought the lawsuit against the City and State for school segregation. The suit was won by the NAACP and various desegregation plans were instituted.

She is an active member of the Northern California Fair Housing Coalition since 1984.

Recently, she initiated a regional wide PSA fair housing campaign in 2004 for Northern California that list the San Francisco Human Rights Commission. Also, she is a member of the Advisory Board of the Discrimination Research Project of The Impact Fund. The project has been doing employment discrimination testing in San Francisco for several years. In addition, Nancy Kenyon is the founder and Director of the National Fair Housing Alliance since its founding in 1988.

Aside from Nancy Kenyon's work in San Francisco and Northern California, she is also known for her fair housing work in Marin County. She founded the Fair Housing of Marin in 1995, where she is presently the Executive Director. Nancy Kenyon has been a recipient of the Marin Human Rights Commission Martin Luther King, Jr. Award and of the Marin Mental Health Association. In addition, she is currently on the Leadership Council and founder of the Marin Roundtable on Hate Violence.

/ch

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

INTERSEX TASK FORCE PUBLIC HEARING DRAFT OUTLINE

Presented to HRC Commissioners of April 08, 2004

Introductions
5 minute film clip – "First Do No Harm"
Patient/Concealment Model
Homophobia
Gender Identity
Sexism
Reinforcing M/F sex/gender paradigm
Providers who support medical treatments on infants to establish a gender

BREAK

Personal Experiences: People with intersex anatomies
- Medical outcome
- Treatment consequences
- Family dynamics

Informed consent - Parents
- Body sovereignty

Resources
Support Networks
Medical outcome: Providers who oppose medical treatments on infants to establish a gender

BREAK

Mental Health
After care – medical
After Care – "lost to follow-up"
Civil Rights Issue

/ma

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City and County of San Francisco

Gavin Newsom, Mayor

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Minutes
Regular Meeting
April 08, 2004
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City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Khaldoun A. Baghdadi
Shirley Dimapilis
Vernon C. Grigg III
Yoel Kahn
Larry Lee
Ellouise Patton
Johnnie Rollins
Sandra Sohcot
Theresa Sparks
Charles L. Ward

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:37 p.m.

Commissioners Present	*Commissioners Excused*
Shirley Dimapilis	Khaldoun Baghdadi
Malcolm A. Heinicke, *Chair*	Larry Lee
Vernon C. Grigg III	Charles Ward
Yoel Kahn	
Ellouise Patton	
Johnnie Rollins	
Sandra Sohcot	
Theresa Sparks	

HRC Staff Present
Virginia M. Harmon, Executive Director; Mindy Lee, Acting Commission Secretary; Frank Anderson; Marcus Arana; Larry Brinkin; Linda Chin; James Fields; Cynthia Goldstein; Carmen Herrera; Ed Ilumin; Zula Jones; Melinda Kanios; Veronica Ng; and Carla Vaughn

Guests Present
Nancy Kenyon

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

There was no public comment.

4. Approval of minutes of Commission Meeting of March 25, 2004

The minutes of the March 25, 2004 Commission meeting was moved (Rollins), seconded (Sohcot) and APPROVED by the following vote:

Ayes	6	Dimapilis, Heinicke, Grigg, Kahn, Patton, Rollins, Sochot, Sparks
Noes	0	
Absent	2	Baghdadi, Lee, Ward

There was no public comment on this item.

5. Individual Commissioner Reports on Community Activities

Chair Heinicke stated that the Mayor's Office has announced the appointment of three new Commissioners which means that three of our current Commissioners need to be removed. Chair Heinicke noted that the Mayor's office stated that the removal of Commissioners bears no negative reflection on their work. Chair Heinicke noted that it has been a pleasure to work with Commissioner Rollins (who was present at this meeting) and that she has done very important things.

There was no public comment on this item.

6. Presentation of Chapter 12.D.A. Waiver Report for March

Director Harmon thanked and expressed appreciation for Commissioners Dimapilis, Rollins and Ward for their work and dedication to the City and the HRC. Budget, the initial HRC budget submission identified a 20 per cent reduction to our general fund allocation and we have recently been informed that additional cuts are necessary to close an estimated $50 million dollar shortfall. The entire deficit for the City is $352 million, but still need to close the remaining $50 million dollar shortfall. The Mayor's Budget Office has not yet responded to the Director's inquiry for a specific target for the HRC. She invited the Chair and other interested Commissioners to attend a budget meeting to discuss budget priorities and addressing the necessary reductions.

Chair Heinicke noted for the new Commissioners that the budgetary decisions are solely the responsibility of the Director. Director Harmon added that she always welcomes suggestions and dialogue.

Melinda Kanios waiver report for month of April. She noted that Waiver numbers 6 - 15 were granted. For the benefit of the new Commissioners, Ms. Kanios provided a brief overview of sole source waivers, explaining that the 12.D.A. Ordinance requires City contracts to utilize a certain percentage of small, minority, woman or locally owned firms. When the work requires specialized knowledge, product or services deliverable by only one vendor, the awarding department will request a "Sole Source Waiver" from the HRC. The HRC will then investigate that in fact there is only one vendor and that a minority firm can't be used. If so, a Sole Source Waiver is granted. Chair Heinicke noted that Commissioners do not have the authority to grant or deny these waivers, the decision lies solely with the Director and HRC Staff.

There was no public comment on this item.

7. Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division
April: National Fair Housing Month: A History

Ed Ilumin (HRC Staff) provided an introduction for April: Fair Housing Month. Mr. Ilumin stated that on this day, April 8th, 1968, 36 years ago that Congress approved the Fair Housing Act. Dr. Martin Luther King was also assassinated five days prior. Dr. King

lobbied for the passage of the Fair Housing Act to outlaw housing discrimination and unfair neighborhood practices such as racial steering. To celebrate the passage of the Fair Housing Act is also to honor Dr. King. Mr. Ilumin stated that throughout America there are various activities celebrating Fair Housing Month in our schools, community centers and churches. Mr. Ilumin introduced Carmen Herrera (HRC Staff) who will present a certificate of honor to Nancy Kenyon, fair housing advocate, and noted that Alicia Kline for the Mayor's Office of Housing who will present an *Analysis of Impediments to Fair Housing*.

There was no public comment on this item.

8. Presentation of Certificate of Commendation to Nancy Kenyon
Carmen Herrera stated that the HRC's honoree for Fair Housing Month is Nancy Kenyon, who is well known if the fair housing community. Ms. Herrera stated that Ms. Kenyon is a long time resident of San Francisco and has worked in fair housing since 1969. Ms. Kenyon worked against school segregation with the NAACP. She has been an active member of the Northern California Fair Housing Coalition since 1984 as well as a Board member of the Impact Fund. Lastly, Ms. Kenyon is the founder and director of the National Fair Housing Alliance.

Ms. Herrera introduced Don Hesse, former HRC employee and First Source Hiring Administrator to speak more about Ms. Kenyon. Mr. Hesse stated that he has watched Ms. Kenyon fight for fair housing for at least 20 years. He stated that Ms. Kenyon brings positive and empathetic leadership in the area of fair housing.

Commissioner Rollins thanked the Issues Committee and the Commission for honoring and individual who has done so much for our community.

Nancy Kenyon thanked the Human Rights Commission. She stated that she believes that the entire horizon of people's lives is affected by where they live. Ms. Kenyon stated that if the right kind of housing is available and if neighborhoods are integrated, people will have job contacts, places of worship in common and children will learn how to work in a multi-cultural world.

There was no public comment on this item.

9. Report on the "*Analysis of Impediment to Fair Housing*" in San Francisco
Mr. Ilumin introduced Alicia Klein From the Mayor's Office of Housing who authors *The Analysis to the Impediments of Fair Housing* every five years, and outlines barriers to fair housing. Ms. Klein stated that this report must be completed in order to receive HUD funding. The report was completed in December and was the result of extensive collaboration between City departments and community based organizations interested in the issue of fair housing. Ms. Klein stated that the greatest barrier to fair housing in San Francisco is the lack of affordable housing. She added that over 1/3 of San Francisco

Residents are overpaying for their housing and the chances of overpaying is doubled if you are a renter. Two years ago, the least expensive average price for a 2-bedroom rental across all supervisorial districts is over $2,000 per month; 1-1/2 times greater than what a low income housing person can afford. Only 6% of the homes in San Francisco were sold to residents of low income.

Demographically, San Francisco is a very diverse City. Through analyzing census data, Ms. Klein stated that in the early 1990's, the population of Chinese-American, Latino-American and other non-white minorities increased while the African-American population decreased. Ms. Klein stated that the median household income increase over the last ten years but a considerable disparity between rich and poor still exists. In the 2000 census, we found that 12% of households were overcrowded while the age population is older with a relatively small population of children. Over 36% of residents in San Francisco are foreign born and the average household size in 3.22 persons.

Ms. Klein stated that the Mayor's Office of Housing examined complaint data from four sources: The Human Rights Commission, Project Sentinel, California Department of Fair Employment and Housing, and the United States Fair Housing and Equal Employment Office. While the number of complaints from the HRC nearly doubled other sources experienced decreases in complaints. The highest number of complaints was in the category of disability among all data sources. The next highest complaint categories were race, occupancy limits, family composition and source of income.

The report outlines the following recommendations to contend with fair housing issues: increased affordability, make it easier to use Section 8 vouchers expanding fair housing education efforts, educate those with disabilities and create programs to help those with disabilities find housing, monitor City funded housing provides to ensure that they are following the recommended guidelines and providing equal access. The Mayor's Office of Housing is in the process of drafting their action plan for affordable housing and community development and the 2005 consolidated plan which will outline community development needs which will influence public policy over the next five years.

Nancy Kenyon stated that the Justice Department continued a study two or three years ago regarding predatory lending and found that people of color and people of other national origins. Chair Heinicke also noted discriminatory practices exist in the area securing mortgages and wanted to stress that fair housing issues are not just situations of leasing or renting, but discriminatory practices also occur in the area of home ownership.

There was no public comment on this item.

10. Presentation of HRC Committee's Goals and Membership for 2004-2005 Program Year

Linda Chin (HRC Staff) and one of three Employment Committee Staffers. Ms. Chin stated that the Employment Committee membership is comprised of thirteen members,

two of which are Commissioners, Lee and Grigg. The Committee Members consist of business people, community based and union representatives. The committee goals for the 2004-2005 program year is to have report on the monitoring of minority and woman participation at all levels of employment from apprentices and trainees on City and County construction projects. The Committee will receive reports from HRC on the progress in various departments such as the Mayor's Office of Housing, the Port of San Francisco, the Mayor's Office of Community Development and the Re-Development Agency's Mission Bay Project. The Committee also would like to revise and update the employment goals for each trade. The Committee will report the Commission after the May 6th Employment Committee meeting the Committee goals for this program year.

Carmen Herrera (HRC Staff) and one of two Issues Committee Staffers. The Issues Committee membership is comprised of ten members, two of which are Commissioners, Baghdadi and Rollins. The committee goals for the 2004-2005 program year is to look at issues of fair housing, immigration, the Patriot Act II, Racial Profiling Act, Retail Discrimination, racial profiling at the Police Department. The Youth and Education Task Force, under the umbrella of the Issues Committee, has planned to look at issues of race relations at schools and counselor to student ratios.

James Fields (HRC Staff) and one of three Committee Staffers for the M/W/LBE Committee. Committee goals for the 2004-2005 program year will be to focus on increasing contracting opportunities for M/W/LBE contractors particularly in the areas of professional services and telecommunications contractors.

Larry Brinkin (HRC Staff) and one of three LGBTAC Committee Staffers. The LGBTAC Committee membership is comprised of twenty-four members, one of which is Commissioner Sparks. The committee goals for the 2004-2005 program year continue the work of the task force on intersex issues, create a task force to investigate homophobia in communities of color, LGBT immigration issues, same-sex marriage, drug use in the LGBT community and how it relates to unsafe sex. Monthly panels include transgender marriage issues, homophobia and transphobia in the public schools. HRC Staff will be researching the City's relationship with the military and how or why we continue a relationship with a homophobic institution, look at the tension between LGBT community and religious leaders.

There was no public comment on this item.

11. Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of March 17, 2004 Meeting

James Fields wanted to thank Commissioners Dimapilis and Ward for their dedication to the M/W/LBE Committee. The Committee read the Harold T. Yee resolution and discussed the creation of a task force to look at which departments are and are not meeting City goals as a part of the mechanics to increase contracting opportunities for M/W/LBEs.

There was no public comment on this item.

12. Discussion and possible approval of Draft Agenda for the May 27, 2004 Intersex Public Hearing (LGBTAC)

Marcus Arana provided an update on the Intersex Task Force Hearing on May 27th. Mr. Arana stated that intersex is defines a people whose anatomies are a combination of masculine and feminine and therefor bot considered standard by medical standards. Approximately 1 in 2000 births are children who are born with genitals that are not easily discernible as male or female and doctors then make a choice. Mr. Arana stated that the May 27th hearing will be an emotional hearing. These issues have never been heard by a government body in the United States so the hearing will be a historical event. The HRC is concerned with the surgical assignment of gender when situations are not emergencies, homophobia as the basis for gender assignment and surgery performed on infants so that adults can feel better about the baby's genitalia. Commissioner Sparks noted that the agenda includes medical, ethical and practical implications form the providers' perspective so that the Commission will receive a balanced presentation on this issue. She also noted that one or two documentaries will be recorded and produced from this hearing.

There was no public comment on this item.

13. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

14. Adjournment

There being no further business, the meeting was adjourned at 6:23 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

City and County of San Francisco
Human Rights Commission

April 22, 2004

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

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ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Introduction of Newly Appointed Commissioners Carlotta Del Portillo, Faye Woo Lee and Pat Norman
   Discussion Item - No Attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

6. Approval of Resolutions Commending former HRC Commissioners Baghdassarian, Dimapilis, Grossman, Knutzen, Rollins, and Ward for their service to the Human Rights Commission
   Action Item - Attachments to be provided at meeting

REPORT OF THE DIRECTOR

7. Report on upcoming German/US conference on Human Rights to be held in Berlin in June
   Discussion Item - No attachment
   Present: L. Brinkin & D. Rathbone

8. Approval of Resolution in honor of HRC employee Ellise Nicholson
   Action Item - Attachment to be provided at meeting
   Present: L. Brinkin

9. Presentation of HRC Budget Update for Fiscal Year 2004-2005

Discussion Item - No attachment
Present: J. O. Smith

HRC DIVISION REPORT

10. **Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division Presentation by Parents and Friends of Lesbians and Gays (PFLAG)**
Discussion Item - Attachment Provided
Present: D. Treanor

COMMITTEE REPORTS

11. ***Employment Committee: Report of April 01, 2004 Meeting***
Commissioner Larry Lee, Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
Discussion Item - No Attachment

12. **Issues Committee: Report of April 14, 2004 Meeting**
Committee Staff: Carmen Hererra, Nichole Truax
Discussion Item - No Attachment

13. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of April 20, 2004 Meeting**
Commissioner Theresa Sparks, Chair
Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo
Discussion Item - No Attachment

14. **Approval of letter to the San Francisco Chronicle protesting the decision to prevent a reporter and photographer who are in a same sex marriage from writing about same sex marriage (LGBTAC)**
Action Item - Attachment Provided Item 14 .pdf
Present: L. Brinkin

15. **Approval of letter to San Francisco Board of Supervisors encouraging support for funding the Openhouse project including siting in Hayes Valley (LGBTAC)**
Action Item - Attachment Provided Item 15.pdf
Present: L. Brinkin

REGULAR BUSINESS

16. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

17. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures
The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the

HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access
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The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. 0422ag0422-150422-14

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For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

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Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

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City and County of San Francisco

Gavin Newsom, Mayor

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Minutes
Regular Meeting
April 22, 2004
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City Hall, Room 416
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ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*
Khaldoun A. Baghdadi
Carlota Del Portillo
Vernon C. Grigg III
Yoel Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra Sohcot
Theresa Sparks

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:32 p.m.

Commissioners Present
Khaldoun Baghdadi
Carlota Del Portillo
Malcolm A. Heinicke, *Chair*
Yoel Kahn (arr. 4:40 p.m.)
Faye Woo Lee
Larry Lee
Pat Norman (arr 4:37 p.m.)
Ellouise Patton
Theresa Sparks

Commissioners Excused
Vernon C. Grigg III
Sandra Sohcot

HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Larry Brinkin; Maria Cordero; James Fields; Cynthia Goldstein; Veronica Ng; Diana Rathbone; Joyce O. Smith; Mary Gin Starkweather; David Treanor and Nichole Truax.

Guests Present
Julie Dorf (Public Comment)

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Julie Dorf, Horizons Foundation which served the lesbian, gay, bisexual and transgender communities. Ms. Dorf spoke of the murder trial of seventeen year old transgender girl Gwen Araujo who was killed October 2002. Last year Gwen's family created a memorial fund and the Horizons Foundation is collecting funds to create school based programs that will educate kids about transgender people and issues and she urges Commissioners to support the fund.

4. Introduction of Newly Appointed Commissioners Carlotta Del Portillo, Faye Woo Lee and Pat Norman

Chair Heinicke welcomed the new Commissioners and encouraged them the attend the next Commissioner orientation meeting at the HRC Chair Heinicke stated with sadness that Commissioner Theresa Sparks is resigning from the Commission to accept a seat on the Police Commission effective April 30th. He wished Commissioner Sparks success and thanked her for her work at the Human Rights Commission.

There was no public comment on this item.

5. Individual Commissioner Reports on Community Activities

Chair Heinicke spoke about the recent identification of prostitution rings in the City's Sunset and Richmond districts. He stated that he is working with Supervisor Ma and the U.S. Attorney prosecuting the case. The U.S. Attorney's office stated that the best thing for the HRC and Supervisor Ma to do is to make the public aware of the signs to look for. An article was published on how to identify this behavior and the U.S. Attorney's office has already received one tip. He welcomed any Commissioner or Staff help on this issue.

There was no public comment on this item.

6. Approval of Resolutions Commending former HRC Commissioners Baghdassarian, Dimapilis, Grossman, Knutzen, Rollins, and Ward for their service to the Human Rights Commission

Chair Heinicke introduced the resolutions commending former HRC Commissioners Baghdassarian, Dimapilis, Grossman, Knutzen, Rollins, and Ward for their service to the Human Rights Commission.

There was no public comment on this item.

Commissioner Del Portillo MOVED TO APPROVE all the resolutions as presented. The motion was SECONDED (Lee, L.) and ADOPTED by the following vote:

Ayes	9	Baghdadi, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Patton
Noes	0	
Absent	2	Grigg, Sohcot

Director Harmon thanked Commissioner Sparks for her service and dedication to the Commission and welcomed the new Commissioners.

7. Report on upcoming German/US conference on Human Rights to be held in Berlin in June

Director Harmon stated that in November the HRC participated in a conference with a delegation from Germany to understand hate crimes and discrimination. These delegates have invited the HRC to participate a conference in Germany in June and HRC Staffers Larry Brinkin, Maria Cordero and Diana Rathbone will be attending this conference.

Diana Rathbone (HRC Staff) stated that at the November conference the HRC made presentations on Employment, Housing Public Accommodations, Criminal Justice System, and Immigration. Ms. Rathbone understands that the conference in Germany will be informal, roundtable discussions and hopefully get more deeply into the issues. She will be discussing the Environmental Racism workshops, recommendations and outcomes.

Maria Cordero (HRC Staff) stated that she will discuss immigration issues in California, Proposition 54, Proposition 187 and how perceptions of bias play a role in discriminatory immigration issues.

Larry Brinkin (HRC Staff) stated that he will be discussing LGBT issues, specifically same sex marriage and transgender issues, and the HRCs work with the County Jails on transgender protocols.

The Director noted that the City is not paying for this conference. The German government will be paying for housing and meals, but each employee is paying for their own travel costs.

Commissioner Del Portillo stated that she has done research on the issue of discrimination in education and asked the Commission Secretary to forward her number to Ms. Cordero.

There was no public comment on this item.

8. Approval of Resolution in honor of HRC employee Ellise Nicholson

Larry Brinkin presented the Commissioners with a draft resolution honoring Ellise Nicholson for approval. He stated that Ms. Nicholson has been a wonderful employee of the HRC and she is leaving to work at the Habeas Corpus Resource Center.

There was no public comment on this item.

Commissioner Del Portillo MOVED TO APPROVE the resolution as presented. The motion was SECONDED (Lee, L.) and ADOPTED by the following vote:

Ayes	9	Baghdadi, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Patton
Noes	0	
Absent	2	Grigg, Sohcot

9. Presentation of HRC Budget Update for Fiscal Year 2004-2005

Director Harmon stated that there will be a significant decrease in the resources in every City department. She introduced Joyce O. Smith (HRC Staff).

Ms. Smith stated that the City's budget outlook over the past year has not improved. For 2004-2005, the city was expecting a $350 million dollar deficit and all city departments were asked to cut 20% of their budget. The budget gap is now short $50 million and departments have been informed that additional cuts will need to be made to fulfill this $50 million dollar shortfall. The HRC has not yet been informed the level of cuts that need to be made in our department. So far, the total cuts for the HRC for the 2004-2005 has been $308,692 dollars. The HRC has made these cuts through not filling two full time

positions, reducing professional services contracts, the Surety Bond Program, and cutting back on general fund monies including the return of the departmental car and cell phones (one phone will be shared among staff). Ms. Smith stated that the only way to meet the additional budget cuts is layoffs.

Commissioner Kahn asked what the Surety Bond program is. Director Harmon stated Chapter 12.D.A. of San Francisco's Administrative Code provides for a Surety Bond programs which furnishes bonding opportunities to small minority, woman, and locally owned businesses. The City has established a contract with a consultant to provide the bonding services.

Commissioner Del Portillo asked about the history of the Surety Bond Program. Director Harmon stated that she will agendize an item on the Surety Bond program for a future meeting.

There was no public comment on this item.

10. Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division Presentation by Parents and Friends of Lesbians and Gays (PFLAG)

David Treanor (HRC Staff) introduced Sam Turon, National President of the Board and Ruth Fraizer, Co-Chair of the San Francisco Chapter of Parents, Family and Friends of Lesbian and Gays (PFFLAG) who provide support education and advocacy. Mr. Turon explained that in 1990 his 19 year-old daughter told him she was gay and he sought further education and support through PFFLAG. In the ensuing years, Mr. Turon has been deeply committed to the principle that his daughter deserves to be treated with the same respect, dignity, legal rights, privileges and obligations as her two straight brothers. PFFLAG provides support family members of those who are gay, provide education, and advocate for the equal civil and legal rights of lesbians and gays.

Ruth Fraizer stated that her 19 year old daughter came out to her and Ms. Frazier realized she could not protect her daughter from hatred and discrimination that she may receive because of her sexual orientation. Ms. Fraizer stated that PFFLAG holds regular meetings that are open to anyone who has interest or concerned. She stated that information is available in a number of languages and that support is available around the issue of HIV as well as safe schools. The help line number is 415-921-8850, which is available to anyone regarding lesbian, gay, bisexual and transgender issues.

Commissioner Lee commended Ms. Fraizer and the work of PFFLAG, especially the services provided to non-English speaking individuals.

Commissioner Kahn also commended the work of PFFLAG and noted that it is particularly moving when parents come to a union ceremony because they represent not only the parents of the couple, but parents of couples and Commissioner Kahn expressed his hope and faith that all families will be united.

Chair Heinicke asked if PFFLAG does outreach to college campuses and Mr. Turon stated that they have, but not extensively. Chair Heinicke then offered Mr. Turon the HRCs LGBTH contact list of organizations and schools.

Chair Heinicke asked Mr. Turon About his or PFFLAG's position on schools for LGBT only. Mr. Turon stated that PFFLAG's Board of Directors has not yet taken a clear position on this issue but the overall position is that every child deserves a safe education, ideally this should occur in every school in the nation.

Commissioner Del Portillo stated that City College has a very active LGBT students club and she hoped that PFFLAG would make a presentation to them and provide services in Spanish.

There was no public comment on this item.

11. Employment Committee: Report of April 01, 2004 Meeting

Mary Gin Starkweather (HRC Staff) stated that the Committee heard a presentation from Ms. Selena Wong, District Administrator for the State Department of Fair Employment and Housing on the history of DFEH and the latest changes in the changes in the law regarding the inclusion of additional protected classes; clarification of the definition of disability, additional responsibilities of employers in cases of sexual harassment, immigration status of applicants, and criteria for lay-offs. The Committee also received a presentation from HRC Staffer Emil DeGuzman on the Employment and Housing trends and forecasts for San Francisco. Mr. De Guzman pointed out that the employment increases that are projected over the next 20 years will compound the housing crisis that the City presently faces. Lastly, HRC Staffer Frank Anderso spoke about the history, challenges and trends of Chapter 6 of the Administrative Code, which covers the Local Hiring Program for Construction Contracts. Mr. Anderson spoke about the relationship of Chapter 6 to the Committee's project of revising the goals for construction projects.

There was no public comment on this item.

12. Issues Committee: Report of April 14, 2004 Meeting

Nichole Truax (HRC Staff) stated that the Committee introduced the two new Commissioner Members, Commissioners Patton and Sohcot. The Committee discussed how the various City departments work together on the issue of fair housing. The Re-Development Agency provided the Committee with a presentation on this issue, stating that they negotiate below market rate units for new residential projects, providing Housing Opportunities for Persons with AIDS (HOPA). The Committee also discussed a letter from Professor Mike Males with the Center for Juvenile Criminal Justice regarding the high drug-felony arrest rates for black, juvenile females in San Francisco. The Youth and Education Task Force, a component of the Issues Committee will be working with Mr.

Males on this issue. As this was her last meeting, Commissioner Rollins thanked everyone and said goodbye.

There was no public comment on this item.

13. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of April 20, 2004 Meeting

Larry Brinkin stated that the Committee followed up on their retreat activities and finalized commitments from Committee members who were interested on working on the issues, attending meetings and organize planning. The Committee discussed the alleged discrimination by the San Francisco 49ers and will revisit the issue in May when an executive from the 49ers can attend to further discuss this issue. The Committee also discussed this year's Pride Day celebration. The Committee usually has an HRC booth at the parade to hand out literature, field questions from the public et cetera, but this year the Committee could not procure the staffing commitments from LGBTAC Committee members so we probably won't be having a booth this year.

Chair Heinicke felt that it was important the HRC have a booth at the Pride Parade. Chair Heinicke asked if we don't have a booth, what are other ways the HRC can have a presence at the parade. Mr. Brinkin stated that another option is a marching contingent with a banner and signs.

Commissioner Norman stated that the HRC should be visible at the parade and she was concerned that we make the reservation for the table or booth before losing the space. She felt that the HRC should have a marching unit or a car unit or both so that we can participate. Commissioner Norman also suggested that the HRC request a honor guard from the police department, the fire department or the Sheriff's.

Chair Heinicke stated that if the HRC could not get a booth, a marching contingent in the parade would be exciting.

Commissioner Kahn stated that if the HRC had a parade contingent, we might ask if we could borrow some space from a booth of another City department to distribute literature.

Commissioner Norman also asked for a vehicle to ride in since she can't walk far. She stated that a rented or donated cable car would be best.

Mr. Brinkin thanked the Commissioners for their enthusiasm and suggestions.

Mr. Brinkin continued with the LGBTAC report, stating that the Intersex Task Force is preparing for the upcoming May 27 hearing.

There was no public comment on this item.

14. Approval of letter to the San Francisco Chronicle protesting the decision to prevent a reporter and photographer who are in a same sex marriage from writing about same sex marriage (LGBTAC)

Mr. Brinkin stated that two San Francisco Chronicle employees who are in a long-term relationship covered the news at City Hall regarding the same-sex marriage issue. The Chronicle told the lesbian couple that if they got married, they would no longer be allowed to cover the same-sex marriage issue because the Chronicle felt that it would be perceived that they would not be able to report on the issue objectively. They decided to get married and were subsequently taken off the issue. The LGBT Advisory Committee invited a representative of the Chronicle to attend the LGBTAC meeting to participate in a discussion on this issue. The Chronicle representative stated that the decision to take the lesbian married couple off the story was in line with the Chronicle's journalistic ethics to alleviate any perception of bias. Many members of the LGBTAC disagreed and felt that it was a wrong decision. Therefore, the Committee brings this letter to the full Commission for approval.

Commissioner Sparks noted that the Chronicle has no written policy regarding perceptions of bias or how they make decisions to remove staff from news stories, it is simply the opinion of Associate Editors for judgment. Therefore the HRC is requesting that the Chronicle develop a policy to assist them in making these types of decisions in the future.

There was no public comment on this item.

Commissioner Del Portillo MOVED TO APPROVE the letter to the San Francisco Chronicle protesting the decision to prevent a reporter and photographer who are in a same sex marriage from writing about same sex marriage as presented. The motion was SECONDED (Sparks) and ADOPTED by the following vote:

Ayes	9	Baghdadi, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Patton
Noes	0	
Absent	2	Grigg, Sohcot

15. Approval of letter to San Francisco Board of Supervisors encouraging support for funding the Openhouse project including siting in Hayes Valley (LGBTAC)

Mr. Brinkin stated that at the HRC's public hearing on aging in the LGBT community created a number of recommendations. One of the recommendations was to send this letter to the Board of Supervisors regarding approval of the proposed site for Openhouse. Openhouse hopes to open a 225-unit facility on Octavia Street in the Hayes Valley especially targeted at LGBT seniors since there is discrimination against LGBT elders in residential facilities.

Chair Heinicke asked if neighborhood groups and businesses have been consulted about the proposed site for Openhouse. Commissioner Sparks stated that the Octavia Boulevard Workgroups has held public hearings and no opposition to this project has surfaced.

There was no public comment on this item.

Commissioner Del Portillo MOVED TO APPROVE the to San Francisco Board of Supervisors encouraging support for funding the Openhouse project including siting in Hayes Valley as presented. The motion was SECONDED (Baghdadi) and ADOPTED by the following vote:

Ayes	9	Baghdadi, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Norman, Patton
Noes	0	
Absent	2	Grigg, Sohcot

16. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

Commissioner Sparks thanked everyone at the HRC for the amazing work that we've accomplished in the past three years. She stated that HRC staff have been competent and caring. She thanked the Commissioners that she has served alongside and noted that the work at the HRC has been rewarding.

There was no public comment on this item.

17. Adjournment

There being no further business, the meeting was adjourned in honor of departing Commissioner Sparks at 6:12 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

City and County of San Francisco
Human Rights Commission

May 13, 2004

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

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ORDER OF BUSINESS

1. Call to Order and Roll Call
2. Circulate General Communications File
3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISITING LITIGATION-City as Defendant

4. Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.
   Action Item - No Attachment

   Schram Construction, Inc. v. City and County of San Francisco, et al, Superior Court of the State of California, County of San Francisco, Case No. CGC-03-421249

   The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending litigation. (City Attorney)

RECONVENE IN OPEN SESSION

5. Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).
   Action Item - No Attachment

APPROVAL OF MINUTES

6. Approval of minutes of Commission Meeting of April 8, 2004

Action Item - Attachment to be provided at meeting
Present: T. Delgado

7. **Approval of minutes of Commission Meeting of April 22, 2004**
Action Item - Attachment to be provided at meeting
Present: T. Delgado

REPORT OF THE CHAIR

8. Individual Commissioner Reports on Community Activities
Discussion Item - No Attachment
9. **Announcement of Commissioner Appointment to Committees**
Discussion Item - No Attachment
10. **Approval of Resolutions Commending former HRC Commissioner Theresa Sparks**
Action Item - Attachments to be provided at meeting

REPORT OF THE DIRECTOR

11. **Presentation of Chapter 12.D.A. Waiver Report for April**
Discussion Item - Attachment Provided
Present: M. Kanios
12. **Presentation of resolution honoring the service of former HRC employee Ellise Nicholson**
Discussion Item - No Attachment
Present: L. Brinkin
13. **Announcement of HRC 40th Anniversary Celebration**
Discussion Only

HRC INTERSEX PUBLIC HEARING

14. **Summary of agenda and procedures for the Commission's public hearing on intersex issues scheduled for May 27, 2004**
Discussion Only - Attachment to be provided at meeting
Present: M. Arana

HRC DIVISION REPORT

15. **Equal Opportunity (EO) Division**
Report on Citywide Surety Bond Program
Discussion Item - No Attachment
Present: Z. Jones

COMMITTEE REPORTS

16. ***Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of April 21, 2004 Meeting***
Commissioner Khadoun Baghdadi, Vice-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

REGULAR BUSINESS

17. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
    Discussion Item - No Attachment
18. **Adjournment**

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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MAY 25 2004

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Regular Meeting Agenda

Thursday, May 27, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR June/July 2004

June 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 09
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 10
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

March 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 16
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 24
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

July 01
Employment Committee Meeting
CANCELED

July 08
HRC Regular Commission Meeting
CANCELED

July 14
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 21
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. **Intersex Hearing:** The Commission will take testimony on whether infants with intersex anatomies should be surgically assigned gender by doctors who are unable to determine if the child's sex is male or female, and who do not know what the child's gender identity is or will be. Commissioners also will consider whether some infant surgeries are truly medical emergencies or are performed solely for cosmetic reasons. Further, the Commission will investigate to what degree parents are given sufficient information to make informed consent and given referrals to appropriate support networks.

SECTION 1

Welcoming Remarks

Background and Summary

5 minute film clip - **"First Do No Harm"**

Medical providers who perform medical treatments on infants to establish a gender

Overview

Personal Experiences

BREAK

SECTION 2

Informed consent - Parents

Medical providers

Resources/education

Public Comment
Public comment is limited to three minutes. At the discretion of the Chair, public comment may be limited to ONE or TWO minutes, to ensure that everyone has an opportunity to address the Commission.

3. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

Glossary of Intersex Terms

Adrenal hyperplasia (also called congenital adrenal hyperplasia, or CAH)
The most prevalent cause of intersexuality amongst XX people. An inherited enzyme deficiency (usually 21-hydroxylase or 11-hydroxylase deficiency), causing malfunction of the fetus' adrenal gland, causes the overproduction of androgens, particularly androstenedione, and means that a female can fully masculinize to the point where a person with XX chromosomes looks like a boy with undescended testes. Because the virilization originates metabolically, masculinizing effects continue after birth. As in progestin induced virilization, sex phenotype varies, with the possible added complication of metabolic problems (salt loss). The metabolic effects of CAH can be counteracted with cortisone.

Ambiguous genitalia
Any condition in which the genitalia do not conform with those of standard male and female anatomies, such as hypospadias, undescended testes, fused labia, cliteromegaly, micropenis, combination of penis and vagina.

Androgen Insensitivity Syndrome (AIS)
With AIS, the body's cells fail to respond to testosterone and cannot absorb either fetal or pubertal androgens. Those with the complete form of AIS are born with XY (male) chromosomes, internal testes and female genitals. Their vaginas may be short or nearly absent, which is related to their absent uterus and cervix. AIS individuals are generally raised as girls. At puberty, the estrogen produced by the testes produces breast growth, though it may be late. She does not menstruate, and is not fertile. When an AIS child is diagnosed during infancy, physicians often perform surgery to remove her undescended testes, because of the risk of cancer.

Clitoromegaly
A clitoris longer than the acceptable female medical standard length of 0.9 cm. Infant genital appendages between 0.9 cm and 2.5 cm are unacceptable by medical standards.

Clitoridectomy (or clitorectomy)
A surgical technique involving removal of the clitoris.

Clitoroplasty
Any surgery on the clitoris, usually to reduce its size.

Female pseudohermaphroditism
The condition in an XX person of having ovaries and "male" genitals.

Herm
A common name for a male hermaphrodite, that is one with XX chromosomes, but with a male phenotype including micropenis.

Hermaphroditism
Where the physiological sex is ambiguous. The situation may, or may not, be accompanied by various degrees of gender dysphoria. A true hermaphrodite is medically defined as someone with both ova and testes, though the combination may take different forms. Pseudo-or false hermaphrodites exist where other physiological combinations of male and female are present at birth, due to chromosomal complexes, such as Turner's or Klinefelter's syndromes, congenital errors of metabolism such as androgen insensitivity syndrome and adrenogenital syndrome. There may also be effects from the hormone

balance in the fetus or the placenta. 'Intersexual' and 'hermaphrodite' refer to people intermediate in sex, 'androgyne' to people intermediate in gender.

Hypospadias

A condition in males where the urethral meatus ("pee-hole") is located along the underside, rather than at the tip of the penis, sometimes giving the appearance of ambiguous genitalia, because a hypospadic person must urinate sitting down. Hypospadias does not in itself cause infertility. Infertility may be present in the more extreme forms of hypospadias, where the testes are irregular and cannot produce viable sperm. Surgery is undertaken to counter the risk of urinary tract infections or for cosmetic reasons, to overcome the trauma of having a penis that looks different. ***Kessler (1998) claims that the physical damage and emotional trauma of genital surgery are frequently far worse than the hypospadias itself.***

Intersex

The condition of having genital, gonadal or chromosomal characterisics that are neither all "female" nor all "male".

Klinefelter Syndrome

A quite common chromosomal variation 47XXY. The only characteristic that seems certain to be present is small, very firm testes, and an absence of sperm in the ejaculate, causing infertility. Except for small testes, those with Klinefelter are usually born with normal male genitals. But their testes often produce lower than average quantities of testosterone, so they don't virilize (develop facial and body hair, muscles, deep voice, larger penis and testes) as strongly as other boys at puberty. Many also experience some breast growth at puberty (or later) and some have a uterus and ovaries as well.

Male Pseudo-hermaphroditism

The condition in an XY person of having (usually undescended) testes and "female" genitals.

Micropenis

A penis shorter than the male medical standard of 2.5cm. Infant genital appendages between 0.9 cm and 2.5 cm are unacceptable.

Progestin Induced Virilization

A form of intersexuality caused by the mother's ingestion of synthetic androgens during pregnancy. Progestin is a drug which was administered to prevent miscarriage in the 50's and 60's and it is converted to an androgen (virilizing hormone) by the prenatal XX person's metabolism, causing virilization of the clitoris (ranging from enlarged clitoris to the development of a complete phallus and the fusing of the labia. In all cases ovaries and uterus or uterine tract are present, though in extreme cases of virilization there is no vagina or cervix, the uterine tract being connected to the upper portion of the urethra internally. The virilization only occurs prenatally and the endocrinological functionality is unchanged, ie. feminizing puberty occurs due to normally functioning ovaries.

Testicular feminization

The opposite of progestin induced virilization.

Turner Syndrome

A child born with 45X karyotype, looking like females, but infertile and completely lacking testosterone.

5-alpha-reductase deficiency

A form of androgen-insensitvity caused by a genetic enzyme that prevents testosterone from "masculinizing" the XY fetus genitals before birth. The genitals "masculinize" at puberty.

Shifting the Paradigm of Intersex Treatment

Prepared by Alice Dreger, Ph.D., for the Intersex Society of North America, dreger@isna.org

KEY POINTS OF COMPARISON	CONCEALMENT-CENTERED MODEL	PATIENT-CENTERED MODEL
What is intersex?	Intersex is a rare anatomical **abnormality** which is highly likely to lead to great distress in the family and great distress for the person with an intersex condition. Intersex is pathological and requires immediate medical attention.	Intersex is a relatively common anatomical **variation** from the "standard" male and female types; just as skin and hair color vary along a wide spectrum, so does sexual and reproductive anatomy. Intersex is neither a medical nor a social pathology.
Is gender determined by nature or nurture?	Nurture. Virtually any child can be made into a "boy" or a "girl" if you just make the genitals look convincing. It doesn't matter what the genes, brain, hormones, and/or prenatal life are/were like.	Both, surely, but that isn't the point. The point is that people with intersex conditions ought to be treated with the same basic ethical principles as everyone else—respect for their autonomy and self-determination, truth about their bodies and their lives, and freedom from discrimination. Physicians, researchers, and gender theorists should stop using people with intersex conditions in "nature/nurture" experiments or debates.
Are intersexed genitals a medical problem?	Yes. Untreated intersex is highly likely to result in depression, suicide, and possibly "homosexual" orientation. Intersexed genitals must be "normalized" to whatever extent possible if these problems are to be avoided.	No. Intersexed genitals are **not** a medical problem. They may signal an underlying metabolic concern, but they themselves are not diseased; they just look different. Metabolic concerns should be treated medically, but intersexed genitals are not in need of medical treatment. There is no evidence for the concealment paradigm, and there is evidence to the contrary.
What should be the medical response?	The correct treatment for intersex is to "normalize" the abnormal genitals using surgical, hormonal, and other technologies. Doing so will eliminate the potential for parents' psychological distress.	The whole family should receive psychosocial support (including referrals to peer support) and as much information as they can handle. True medical problems (like urinary infections and metabolic disorders) should be treated medically, but all non-essential treatments should wait until the person with an intersex condition can consent to them.
When should treatments designed to make a child's genitals look "normal" be done?	As soon as possible because intersex is a psychosocial emergency. The longer you wait, the greater the trauma.	ONLY if and when the intersexed person requests them, and then only after she or he has been fully informed of the risks and likely outcomes. These surgeries carry substantial risks to life, fertility, continence, and sensation. People with intersex conditions should be able to talk to others who have had the treatments to get their views.
What is motivating this treatment protocol?	The belief that our society can't handle genital ambiguity or non-standard sexual variation. If we don't fix the genitals, the child with an intersex condition will be ostracized, ridiculed, and rejected, even by his or her own parents.	The belief that the person with an intersex condition has the right to self determination where her or his body is concerned. Doing "normalizing" surgeries early without the individual's consent interferes with that right; many surgeries and hormone treatments are **not** reversible. The risks are substantial and should only be taken if the patient has consented.
Should the parents' distress at their child's condition be treated with surgery on the child?	Yes, absolutely. Parents can and should consent to "normalizing" surgery so that they can fully accept and bond with their child.	Psychological distress is a legitimate concern and should be addressed by properly trained professionals. However, parental distress is **not** a sufficient reason to risk a child's life, fertility, continence, and sensation.

How do you decide what gender to assign a newborn with an intersex condition?	The doctors decide based on medical tests. If the child has a Y chromosome and an adequate or "reconstructable" penis, the child will be assigned a male gender. (Newborns must have penises of 1 inch or larger if they are to he assigned the male gender.) If the child has a Y chromosome and an inadequate or "unreconstructable" penis according to doctors, the child will he assigned a female gender and surgically "reconstructed" as such. If the child has no Y chromosome, it will he assigned the female gender. The genitals will he surgically altered to look more like what doctors think female genitals should look like. This may include clitoral reduction surgeries and construction of a "vagina" (a hole).	The parents and extended family decide in consultation with the doctors. This approach does **not** advocate selecting a third or ambiguous gender. The child is assigned a female or male gender but only **after** tests (hormonal, genetic, diagnostic) have been done, parents have had a chance to talk with other parents and family members of children with intersex conditions, and the entire family has heen offered peer support. We advocate assigning a male or female gender hecause intersex is not, and will never be, a discreet hiological category any more than male or female is, and hecause assigning an "intersexed" gender would unnecessarily traumatize the child. The doctors and parents recognize, however, that gender assignment of infants with intersex conditions as male **or** female, as with assignment of **any** infant, is preliminary. Any child may decide later in life to change their gender assignment; but children with intersex conditions have significantly higher rates of gender transition than the general population, with or without treatment. That is a crucial reason why medically unnecessary surgeries should **not** he done without the patient's consent; the child with an intersex condition may later want genitals (either the ones they were born with or surgically constructed anatomy) different than what the doctors would have chosen. Surgically constructed genitals are extremely difficult if not impossible to "undo," and children altered at birth or in infancy are largely stuck with what doctors give them.
Who should counsel the parents when a child with an intersex condition is born?	Intersex is a psychosocial emergency that can be alleviated by quick sex assignment and surgery to reinforce the assignment. Professional counseling is suggested hut typically not provided. Peer counseling is typically not suggested or provided.	Intersex is a community and social concern requiring understanding and support. Counseling should begin as soon as the possihility of intersex arises and/or as soon as the family needs it. Professional counselors trained in sex and gender issues, family dynamics, and unexpected hirth outcomes should he present. Families should also be actively connected with peer support.
What should the person with an intersex condition be told when she or he is old enough to understand?	Very little, hecause telling all we know will just lead to gender confusion that all these surgeries were meant to avoid. Withhold information and records if necessary. Use vague language, like "we removed your twisted ovaries" instead of "we removed your testes" when speaking to a woman with AIS.	Everything known. The person with an intersex condition and parents have the right and responsihility to know as much about intersex conditions as their doctors do. Secrecy and lack of information lead to shame, trauma, and medical procedures that may be dangerous to the patient's health. Conversely, some people harmed by secrecy and shame may avoid future health care. For example, women with AIS may avoid medical care including needed hormone replacement therapy.
What's wrong with the opposing paradigm?	Parents and peers might be uncomfortable with a child with amhiguous genitalia. Social institutions and settings like locker rooms, public restrooms, daycare centers, and schools will be brutal environments for an "abnormal" child. The person with an intersex condition might later wish that her or his parents had chosen to have her or his genitals "normalized".	The autonomy and right to self determination of the person with an intersex condition is violated by the surgery-centered model. In the concealment model, surgeries are done without truly obtaining consent; parents are often not told the failure rate of, lack of evidentiary support for, and alternatives to surgery. Social distress is a reason to change society, not the bodies of children.
What is the ideal future of intersex?	Elimination via improved scientific and medical technologies.	Social acceptance of human diversity and an end to the idea that difference equals disease.
Who are the proponents of each paradigm?	John Money and his followers, most pediatric urologists and pediatric endocrinologists, and many gynecologists and other health care practitioners.	Intersex activists and their supporters, ethicists, some legal scholars, medical historians, and a growing number of clinicians.

For additional reading or to download a copy of this protocol, please visit the website of the Intersex Society of North America: http://www.isna.org

AAKIS – RESEARCH

Investigational Testosterone Gel Study in
Adolescent Boys with Delayed Puberty

Volunteers Needed: Hypogonadal adolescent boys are needed for a research study sponsored by Unimed Pharmaceuticals, Inc. to evaluate the safety and usefulness of an Investigational Testosterone Gel (1%) as treatment for delayed puberty in adolescent boys.

Boys with Kleinfelter Syndrome, who meet the following criteria, may qualify for the study:

- 13-17 years of age
- diagnosed with primary or secondary hypogonadism (delayed puberty)
- may or may not have received previous testosterone treatment

Volunteers will be asked to attend approximately 9-10 doctor's office visits over a 6 month period (weekly for the first month and monthly thereafter) consisting of a routine study-related physical exam and laboratory tests.

Parents of boys who are interested in finding out more information on these studies should call:

xxxxxxxxx

Protocol UMD 01-090 and UMD 01-090E (Extension od UMD 01-090): Multi-Center, Open-label, Observational Study of Testosterone Gel (1%) in the Treatment of Adolescent Boys with Hypogonadism

Explanation of Figure 1

It would appear, from this illustration, that one can only be a "real man" if one has undertaken a testosterone therapy intervention program. The "Before" illustration depicts all the "undesirable" characteristics associated with a stereotypical feminine physique. The "After" illustration clearly represents the stereotypical male ideal with his obvious body hair and strong muscular build. Less obvious, but equally persuasive, is the butch crew cut hair; the strong, stern and confident facial expression; the legs apart (his personal space is greater than the passive female) and his chunky male watch! One can only wonder why the illustrator made such a blatant attempt to ensure that the "After" illustration depicted what he determined to be a "real man." Could it have been to *manipulate* the observer, (probably an untreated XXY or the parent of an XXY child) into identifying with the "Before" illustration and thus yearning to aspire to the "After?" (Because of the male stereotype, many XXY persons choose breast reduction surgery and testicular implants to correspond with testosterone replacement therapy to look like a "real man").

Except from: Chromosomal Aberration, Endocrinal Disease or Intersex Variation? Representations of Klinefelter's Syndrome (XXY) in Professional and Non-professional Medical Discourses. By Michael Noble, University of South Australia.

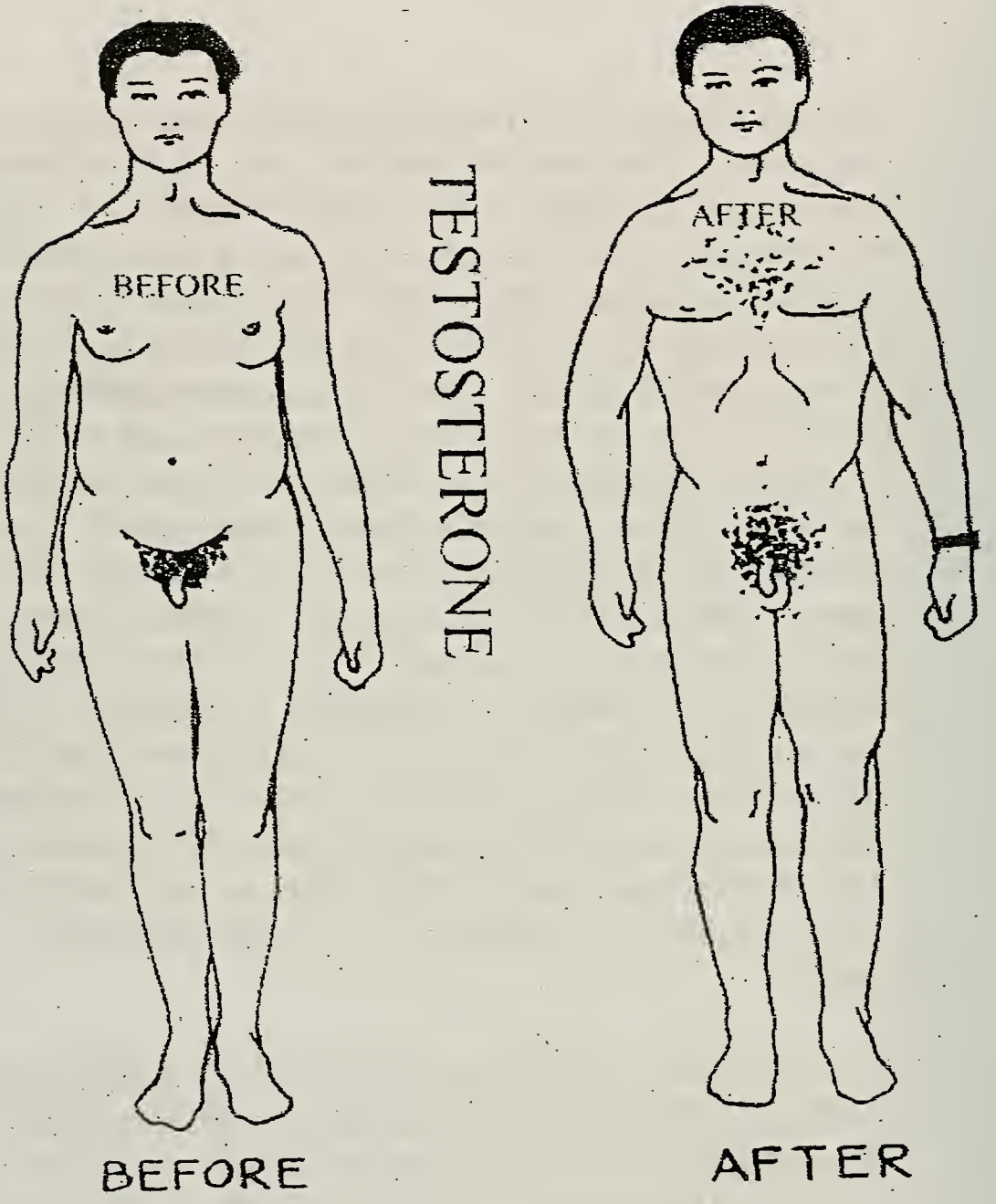

Fig 1

Los Angeles Times
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Home Edition

HEADLINE: Commentary; Gender Blender ; Intersexual? Transsexual? Male, female aren't so easy to define
BYLINE: Eric Vilain, Eric Vilain is chief of medical genetics at the David Geffen School of Medicine at UCLA.
SECTION: CALIFORNIA; Metro; Editorial Pages Desk; Part B; Pg. 11
LENGTH: 778 words
BODY:

This was the moment of truth. The ultimate test before the coronation. A deacon would extend his hand below the robe of the future pope and check for the presence of two testicles. Middle Ages legend has it that this rite was started after Joan, an Englishwoman and a cross-dresser, managed to get elected pope in 855 but was discovered two years later because of an ill-timed childbirth.

Will we soon be witnessing such surreal examinations in our city halls? After all, if the Constitution will allow only marriages between a man and a woman, the county clerks had better make sure that they are issuing licenses legally. Patting down the two male organs would ensure an absolute certainty of sex identification. Or would it?

In reality, sex isn't so straightforward. Let's take testicles as a defining characteristic of a man. Are individuals with only one testis "real" men? The "two-testicles rule" would disqualify about 3% of male newborns a year -- about 4.5 million Americans total. Does one need to produce active sperm or eggs to be considered a man or woman? Adding a fertility criterion would eliminate millions more from both categories.

If conventional wisdom cannot easily define men and women by just a simple look at the private parts, science should help us distinguish between the sexes. Since 1921, we have known that women have two X chromosomes and men an X and a Y chromosome. This is the fundamental genetic distinction between men and women.

But still, it's been difficult to find clear-cut answers. Olympic Games officials have struggled with the science of "sexing" individuals for many years -- often after high-profile cases of gender confusion. In the 1936 Olympics in Berlin, U.S. runner Helen Stephens beat Polish runner Stella Walsh in the 100-meter sprint, winning a gold medal and breaking Walsh's 1932 record. The Polish press falsely accused Stephens of being a man. Ironically, after Walsh was killed during a 1980 robbery, her autopsy revealed male genitals. Decades later, Erica Schinegger, who won the women's downhill skiing world title for Austria in 1966, was two years later found to be chromosomally male and, as such, disqualified for the Olympics. Her case forced the International Olympic Committee to require all athletes to take a test counting the number of X chromosomes.

In 1990, scientists learned that a gene called SRY on the Y chromosome is what makes fetuses become boys and not girls. In 1992, the Olympic test was perfected to detect the presence of the SRY gene.

But even that was insufficient. Any genetics expert knows that there are exceptions to the chromosome rules. There are females with a Y chromosome; there are males with no SRY gene. At the Sydney Olympics in 2000, the IOC decided to "refrain from performing gender tests," conceding that no single test provided a complete answer.

Identifying the gender of intersex and transsexual individuals poses an even more complex challenge. Intersexuality is defined as the presence of "ambiguous genitalia," making it impossible to tell easily whether the newborn baby is a boy or a girl. It occurs at a frequency of 1 in 4,000 births. Plastic surgery of the genitals is often performed to conform a typical appearance of one sex or the other, and a male or female legal sex is assigned shortly after birth. Many of these children grow up feeling alienated from their legal sex identity and undergo reconstructive surgery as adults to regain their dominant gender identity. If intersex adults change their legal sex, which sex should be considered when they marry?

Although the validity of marriage of an intersex person has not been tried in court, legal challenges to marriages of transsexuals abound. Transsexuals believe that they have been born in the wrong body and often pursue a difficult and painful process of surgical reassignment. But courts often don't recognize the change of sex and invalidate spousal rights of transsexuals. In the 1999 landmark case of Littleton vs. Prange, a male-to-female transsexual was denied the right to sue under a wrongful death statute for the death of her husband. The Texas Court of Appeals referred to sex provided by "our creator" as opposed to sex created by physicians and rejected "man-made" sexual organs. Sex should be easily definable, but it's not. Our gender identity -- our profound sense of being male or female -- is independent from our anatomy. A constitutional amendment authorizing marriages only between men and women would not only discriminate against millions of Americans who do not fit easily in the mold of each category, but would simply be flawed and contrary to basic biological realities.

Betsy Driver's Story

My name is Betsy Driver. I'd like to thank the commission for considering intersex issues.

I was born in 1964 with a condition called congenital adrenal hyperplasia. As a result, I was masculinised at birth and for a few days, the doctors were unable to tell my parents if I was a boy or a girl. Once they determined that I was a girl because I had a uterus and ovaries, I was scheduled for "feminizing" surgery...that is I was scheduled to have my clitoris cut off of me. At the time, my parents were told very little and like all parents of a newborn who isn't "perfect", they were scared and willing to do whatever the doctors told them. They were told if I was allowed to grow up with a clitoris that was larger than what is considered "normal", I would have gender identity problems, be a lesbian, or worse, commit suicide.

At age 3 months, I had a total clitorectomy done on me. In my medical records, it says, "The clitoris was amputated to the nub" The clitoris wasn't diseased, it wasn't causing any medical problems but the doctors involved in my care thought that it was social emergency.

During childhood, I was often hospitalized. There were many overnight stays for routine testing to monitor my CAH (which can be a life-threatening disease due to the metabolic issues). Because these stays were routine, my parents usually did not stay with me. One of my earliest childhood memories was being in the hospital away from the safety of my parents and being woken in the middle of the night by a group of medical residents standing at the end of the bed forcing my legs apart. They said they needed to examine me. I consider these incidents to be institutionalized sexual abuse and myself a victim of childhood sexual abuse perpetuated by those we are supposed to trust--doctors. I never said a word about this abuse until I was an adult.

I had a vaginoplasity done when I was 12. The first one was sloppy and left me incontinent. Additionally, it subjected me to another round of doctors not involved in my care who needed to 'check me'. A year later, I had a second one done to fix the horrible job the first surgeon did. At that time, it was discovered I had been given venereal warts by one of those many doctors who needed to 'check me.' It had to have come from one of them as it would be many years before I would become sexually active.

All of these surgeries and attention paid to my genitals taught me from a very young age that my body was not acceptable, and that I should be shamed by it. And it worked. It took years of therapy to get past it. My young adulthood was fraught with peril and the inability to form bonds, much less a romantic relationship. Eventually I did break through that wall of secrecy and shame.

It wasn't until I was in my thirties that the pieces all started to make sense. I got my medical records and learned the truth about my queer body, including the facts of the clitorectomy, which was genital mutilation in my mind. I learned that my mother was lied

to by the doctors she held so much trust in. And, I met for the first time, another person with a queer body. That singular event may have been the most healing part of getting past my childhood horrors.

Eventually, I used the angry energy I had over my treatment to co-found a peer support organization for people born with an intersex condition called bodies like ours. The action the human rights commission is condition has the endorsement of Bodies Like Ours. Thank you.

Betsy Driver
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Bodies Like Ours is a 501(c)(3)organization incorporated in NJ and based in Easton, PA. Bodies Like Ours provides peer support for people born with an intersex condition and helps them erase their shame and secrecy. We are dependent upon your financial support to continue our work. Please consider making a donation today online by visiting our website at http://www.bodieslikeours.org.

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Brain development: The most important sexual organ

New evidence suggests that the brain begins to develop differently in males and females much earlier than was thought — before sex hormones come into play. Carina Dennis considers the implications.

Susan was whisked away as soon as she was born. Her mother wasn't allowed to bathe or undress her for several days; the doctors simply said that there was something wrong. Susan had an 'intersex' condition — her genitalia offered no clear indication whether she was a girl or a boy.

Although Susan is genetically male, doctors convinced her parents that she should undergo surgery to turn her into a girl — the operation is easier to perform, and medical opinion was that, with appropriate hormone treatment, she would develop normally in her assigned gender. And so it turned out: Susan is now in her twenties, married and happy as a woman.

But for a small proportion of the one in about 4,000 children born with 'ambiguous' genitalia, things don't work out so well. Tony was also born genetically male and had similar surgery. But he never felt comfortable as a girl. After many years of unhappiness, he began testosterone treatment and now lives as a man.

Susan's and Tony's doctors believed that the brain is a sexual blank slate until it comes under the influence of sex hormones. But biologists are now starting to realize that hormones aren't the only significant determinant of the brain's sexual destiny. Indeed, male and female brains may even start moving down different developmental paths before sex hormones are produced in significant quantities. "There is plenty of evidence that hormones organize the brain sexually, but it's not the whole story," says Eric Vilain, a geneticist at the University of California, Los Angeles (UCLA).

New findings about the genetic and other factors that influence the brain's sexual development could do more than simply rewrite the textbooks. They might provide insights into conditions such as transsexualism — and perhaps eventually lead to tests that could determine whether a baby with an intersex condition is more likely to grow up thinking, feeling and behaving like a man or a woman.

Sex discrimination

The dogma that hormones are the only important players in the brain's sexual development stems from early experiments showing that castrated male rabbit fetuses seem to develop as females, and newborn female guinea-pigs exposed to testosterone come to look and act like males. These results indicated that the 'default' sex in mammals is female, and suggested that male brain anatomy and behaviour develop as a consequence of exposure to testosterone.

More recently, geneticists uncovered the 'master switch' that kick-starts the development of the testes in mammals — a gene called *Sry* on the male-specific Y chromosome[1]. But once this engine is running, testosterone produced by the testes

was still assumed to direct the development of male characteristics. And so the idea that the differences between male and female brains are entirely a consequence of their exposure to sex hormones persisted. "The field was completely dominated by hormone people," says Vilain.

The realization that things are rather more complicated comes in part from studies of birds. Their sex chromosomes are different from those in mammals; and in the feathered world, the default pathway for sexual development is male rather than female. But again, the differences between male and female brains were thought to be simply a result of their exposure to sex hormones.

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Like its body, this zebra finch's brain was 'male' on the right and 'female' on the left, hinting that more than sex hormones guided its development.

Convincing evidence that this isn't the complete story comes from a rare, naturally occurring zebra finch that was genetically male on the right side of its body, with bright plumage and a testis, and genetically female on the left, with dowdy feathers and an ovary. If brain sex depended solely on hormones, you'd expect both sides of the bird's brain to be the same, as they were both exposed to the same mix of male and female hormones coursing through the blood. But when researchers led by neurobiologist Arthur Arnold at UCLA examined the bird's brain, they found that the neural circuits that control male song were much larger on the right side[2].

All in the mind

Manfred Gahr, a neuroscientist at the Free University of Amsterdam in the Netherlands, created his own sexually confused birds. He took Japanese quail embryos and surgically switched their forebrains — which control adult sexual behaviour — before their gonads began to develop. If conventional wisdom is correct and sex hormones produced by the gonads do direct the brain's sexual development, then having a forebrain that was genetically the 'wrong' sex should have made no difference to the birds' adult sexual behaviour. And for the females given male forebrains, this was the case: they looked and acted like normal female quail. But the male birds given female forebrains neither crowed to attract mates nor mounted females: their transplanted female brain tissue could not support typical male reproductive behaviour[3]. Their testes also failed to develop normally, indicating that — at least in male quail — a genetically male brain is required to complete the development of the gonads.

It's hard to do similar experiments in mammals, where embryological development occurs in the womb. But Vilain has used DNA microarrays to study gene activity in the brains of male and female mouse embryos from an early stage of development. Of the 12,000 genes active in the brain, 51 showed different levels of expression in the brains of male and female mouse embryos before the gonads had formed[4]. This suggests that, in mammals, male and female brains start travelling down different developmental paths from the outset, before hormones have entered the picture.

Whether the genes Vilain has identified have an important biological function in the brain remains unknown. To find out, he is now creating 'knockout' mice in which the genes have been systematically inactivated, to see what effect this has on brain development and sexual behaviour. Initially, Vilain intends to focus on genes on the Y chromosome. "These are obvious candidates," he says.

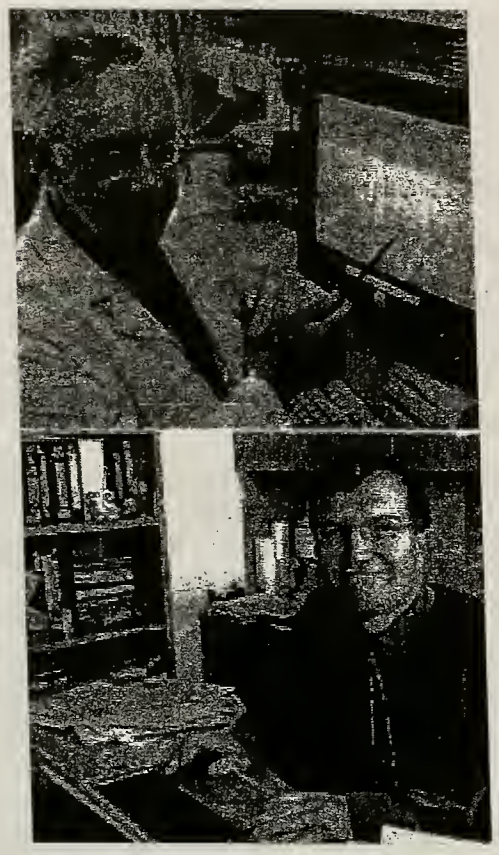
Other researchers are looking at *Sry* to determine whether it has a direct influence on the development of the brain, in addition to its role in the testes. The gene certainly seems to be expressed in the brains of male mammals[5-7], but again, it's unclear what this means. "Expression patterns suggest where genes are acting, but we need functional studies to prove it," cautions Amanda Swain, a developmental biologist at the Chester Beatty Laboratories of the Institute of Cancer Research in London. She now plans to compare mice that have been engineered so that *Sry* is active only in their testes with normal animals in which the gene is expressed in both brain and gonads, looking for any differences in behaviour and brain anatomy.

Under the influence

Other researchers are also working with mice in which *Sry* has been manipulated: male mice lacking *Sry* develop as females, whereas genetically female mice given *Sry* grow up as males[8]. Using such mice, Arnold teamed up with Ingrid Reisert at the University of Ulm in Germany to investigate a phenomenon that Reisert had identified more than a decade ago: the fact that some cells extracted from the midbrains of male and female embryonic rodents develop differently when grown in culture[9]. They found that these differences aren't simply a result of *Sry* kick-starting the production of testosterone in the testes — other genes on the sex chromosomes are also apparently involved[10].

The animals used by Reisert and Arnold were created in the lab of Paul Burgoyne, a developmental biologist at the UK Medical Research Council's National Institute for Medical Research in London, who has engineered a range of mice with unusual configurations of sex chromosomes. "You name it, we can make it," says Burgoyne, who similarly aims to use the mice to tease out genetic influences on the way in which male and female brains are wired.

E. DELOT



A question of gender: Vincent Harley (top) and Eric Vilain are hoping to find out whether there is a genetic basis for transsexualism.

Studies of the non-hormonal influences on the sexual development of the mammalian brain are at an early stage. But Vilain is already trying to apply this emerging knowledge to the phenomenon of transsexualism — where individuals are physically and genetically one sex but perceive themselves to be members of the other. Reports of the condition sometimes running in families[11] have led some researchers to speculate that genetic factors may be involved. "Some of the genes differentially expressed in the brains of male and female mice may be altered in transsexuals," Vilain suggests.

He is now collaborating with Vincent Harley, a molecular biologist at Prince Henry's Institute of Medical Research at the Monash Medical Centre in Melbourne, which runs the largest transsexual clinic in Australasia. They are looking for variants in the sequence of these genes to see if some are more common in transsexuals than in the general population. Their initial analysis will focus on three genes, located on the sex chromosomes, that are known to encode proteins that regulate the activity of other genes.

Such research into the genetics of gender identity is inevitably controversial — especially given the dark history of the eugenics movement, which viewed conditions such as transsexualism as 'diseases'. But Harley has been overwhelmed by the positive response from the transsexual community since the study began. "I've had people e-mailing me to offer their help," he says. "There is a stigma that

transsexualism is a lifestyle choice. It may be very liberating to them if we can show that there is a genetic or biological basis." Indeed, Harley has been invited to give talks about his research to transsexual groups in Melbourne.

Difficult decisions

Vilain also hopes that this research might result in tests that could help to predict whether a baby with an intersex condition is more likely to grow up feeling like a man or a woman. "Gender is not as simple as X and Y chromosomes," he says. Many genes are likely to be involved and, if genetic variants associated with the gender that a person feels they belong to can be identified, then it may one day be possible to take a blood sample from a young intersex patient to determine which of these DNA sequences they carry. "If there was a biological tool that could predict the likely gender of a person based on their DNA sequence, that would be very useful for intersex children," Vilain says.

Babies born with ambiguous genitalia are usually operated on within the first few months of life. "The majority of our patients are satisfied with their assigned gender," says Garry Warne, a paediatric endocrinologist at the Royal Children's Hospital in Melbourne, Australia. "In less than 8% of cases is the outcome bad."

But when the wrong choice is made, as in Tony's case, the consequences are severe. For as long as Tony can remember, he felt like a boy. In his thirties, after voicing his plight on Australian national television, he was finally able to get doctors to provide him with testosterone injections. Not surprisingly, Tony deeply resents the drastic surgery that cast him as a female.

Such distressing experiences lie at the heart of an unresolved debate over when surgery should be used on intersex patients. Tony believes that it should be left until the individual can make an informed decision. But most clinical experts argue that early intervention avoids the psychological damage suffered by a child growing up with ambiguous genitalia. Warne, for instance, has surveyed intersex individuals in Vietnam and India — for whom surgery was not available — and found that most wished they had been operated on as infants.

Given the growing realization that hormones don't act alone in directing the brain to develop along male or female lines, Vilain suggests that any surgery should be delayed until the child can offer consent and has started displaying gender-specific behaviour. But he hopes that it may one day become possible to use genetic tests to allow decisions about gender assignment to be taken with more confidence at an earlier age.

Tony, however, has mixed feelings about the use of genetic information to manage the treatment of intersex patients. "If it can lower the chances of the wrong outcome, that would be fantastic," he says. "But that information shouldn't be used to surgically reinforce one gender."

CARINA DENNIS
Carina Dennis is Nature's Australasian correspondent.

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COMMENTARY

Health Care Professionals and Intersex Conditions

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As part of a larger project, a multidisciplinary group convened by The Hastings Center, Garrison, NY, met to consider medical, psychosocial, and ethical issues associated with the care of children born with atypical genitalia or later found to have other conditions now commonly grouped together as "intersex." These children may have congenital adrenal hyperplasia, gonadal dysgenesis, hypospadias, partial or complete androgen insensitivity syndrome, etc. This commentary reflects the deliberations of the group, which concluded that none of the appearance-altering surgeries need to be performed quickly; families with children with intersex conditions require multidisciplinary care; children with intersex conditions deserve to know the truth about their bodies; families and health care professionals will benefit from rigorous longitudinal studies; and health care professionals need additional training about intersex conditions and sexual health generally.

Parents and physicians of children with intersex conditions rarely know about the condition before birth. The recognition that a child does not appear typically "male" or "female" prompts distress, confusion, and uncertainty, no matter the age at diagnosis. When health care professionals attempt to determine a "true" biological or underlying sex of the child or inappropriately communicate an urgent need to undertake a surgical "fix," they wrongly substitute these interventions for focusing on the families' discomfort, guilt, and/or sense of shame. All should understand that a decision to raise an infant as a boy or girl in no way depends on surgery, per se. Chromosome analysis and pelvic ultrasonography, as well as some endocrine testing, may help make a precise diagnosis; however, test results do not accurately predict later sexual identification.

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The need for slow, deliberate, and careful explanations; psychological and social support; offers of contact with other people who have experienced similar situations (especially adults who have lived with the child's condition); and exploration of a wide range of alternative courses of action seem essential. In the past, intervention has sometimes begun long before disclosure to or consultation with the child, despite a lack of physiologic justification. Initial surgeries may beget more operations in order to correct problems arising from those performed previously. Drug treatments may further alter the child's appearance and/or mood, again

without the individual's consent or sufficient rationale. Absent compelling physiologic reasons to operate, decisions must rest on psychosocial considerations. Available data do not provide adequate reasons for using surgery in most cases before the child has the developmental capacity to participate in decision making. Future research must address this question.

Many sent down the road of early "treatment" now express their discontent.[1] Physical discomfort associated with repeated surgical procedures and/or the sequelae of those interventions have dominated their lives. A good number have diminished sexual responsiveness and pleasure as a result of "cosmetic" surgeries undertaken when they had no opportunity to participate in decision making. Such reports and the results of retrospective reviews have led 2 groups of pediatric urologists to urge reconsideration of early surgery.[2-4] Some patients have experienced humiliation at the hands of physicians (violations of privacy and dignity) and endured secrecy and confusion in and disruption of their relationships, especially with parents—who have themselves suffered in the web of deception—and health care professionals.[5] Because of all this, treatment approaches recently recommended by the American Academy of Pediatrics,[6] Elk Grove Village, Ill, and a task force of the Lawson Wilkins Pediatric Endocrine Society, Stanford, Calif, and the European Society for Paediatric Endocrinology,[7] London, England, have begun to receive reappraisal by other medical professionals.[8-10] Notably, the guidance documents lack justification based on valid clinical investigation. While critiques of the recommendations by experts may signal growing variability in practice, many presumably continue to rely on these professional recommendations. Our own experience suggests substantial disagreement within the endocrinology and surgical communities in pediatrics, even within single institutions.

Controversy remains about the levels of satisfaction with surgical outcomes and general well-being among those treated for intersex conditions in the past. We have no rigorous and unbiased studies of the long-term effects of medical interventions, in part because of practices of keeping individuals with intersex conditions in the dark about their histories. Without diagnostic candor, meaningful follow-up studies are difficult, if not impossible. Ethical practice requires such studies. To their credit, some who treat patients with intersex conditions, such as pediatric urologist Ian Aaronson, MD, have begun efforts to design and conduct proper studies, as discussed at an October 2001 meeting at the National Institute of Child Health and Human Development.[8] However, nothing has come to fruition thus far. When research planning does begin, it should address: (1) how the patients have felt and now feel about their medical care; (2) what should count as positive or negative outcome measures (subject satisfaction with sexual functioning, subject comfort with gender identity, genital appearance, and so on); (3) the impact of changing surgical techniques—results of operations done 15 to 20 years ago may not predict outcomes for newer surgeries; and (4) deficiencies in some completed follow-up studies[11,12] conducted by members of the original treatment teams that raise questions about the willingness of patients to express candidly negative feelings to those who provided well-intentioned care. Secrecy breeds shame and does not serve the interest of patients and other family members, though it has shielded some adults—parents and medical professionals—from accountability for their decisions. While studies will have to confront the heterogeneous nature of the intersex population, we believe sufficient commonalities exist to permit meaningful research results.

We conclude:

- The field should undertake a comprehensive assessment of actual practice. What do endocrinologists, pediatric surgeons, pediatric urologists, and others recommend? What operations do surgeons use, on which patients, at what ages, and with what outcomes?
- Surgical techniques that make children's genitals appear more normal and operations that produce less physical damage than earlier techniques would not alone provide justification for surgery. Good clinical practice demands attention to the social and cultural context into which children are born. Health care professionals should acknowledge that surgery will not end discrimination against persons with physical differences from the "norm."
- None of the appearance-altering surgeries need be done urgently. Surgery to normalize appearance without the consent of the patient lacks ethical justification, in most cases. Some surgeons argue that technical considerations warrant intervention in the first year of life to fashion typical female anatomy. However, we do not know if surgical expediency outweighs the psychosocial and ethical considerations of waiting until the patient can participate in decision making. The irrevocable nature of surgery should make everyone extremely cautious.
- Families with children with an intersex condition require a comprehensive package of services immediately following diagnosis. The approach should include access to suitably qualified social workers and/or other mental health professionals and referral to parent-to-parent programs, support groups, and adults living with the same or a similar condition. Centers lacking social work/mental health personnel with specific expertise in intersex conditions should nevertheless provide team care using psychosocially trained professionals interested in and experienced with helping families face medical and social ambiguity across extended periods. Teams offering care for patients with intersex conditions should add requisite experts as available or assist current staff with appropriate professional development. The lack of local social work and/or mental health expertise cannot become an excuse for circumventing needed psychosocial support.
- Children have the right to know about their bodies. Professionals and parents should tell children, in an age-appropriate fashion, about how and why they have anatomical differences from others. The differences should provide opportunities to explore the value of individuality and diversity, not occasions for humiliation and shaming.
- Ethical practice demands rigorous follow-up studies. The goal of achieving real patient benefit mandates

comprehensive research with patients who have intersex conditions. The principal focus should be how patients assess their own well-being, including peer relationships through their childhood, adolescence, and adulthood. In retrospective studies, every effort should be made to include surgically treated individuals and those who have not had surgery. Treatment centers should cooperate in multicentered, prospective studies designed to provide better epidemiological data on the incidence and prevalence of intersex conditions and compare the results of alternative courses of action (eg, no infant surgery vs surgery) chosen by families after careful counseling and full, deliberative informed consent about the risks, benefits, and unknowns of the possible paths. Both retrospective and prospective studies require systematic, reliable methods and must contain qualitative elements to permit subjects to tell their stories and express their feelings freely. Study designs must candidly address researcher bias. Adequate studies may require independence from treating endocrinologists and urologists.

- Health care professionals need considerably more education about intersex conditions, including recognition, precise diagnosis, the development of gender identity, and sexual health. This should occur in schools of medicine, nursing, social work, clinical psychology, and so on, in addition to postgraduate clinical training programs. As part of these efforts, educators should address how the helping professions can address inappropriate and unhealthy attitudes toward individuals, such as those with intersex conditions, who appear different and/or behave differently from most others and whose abilities differ from the norm. Medicine can reflect common social prejudices or it can help society develop tolerance and appreciation for human diversity. We endorse the latter.

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Invited Critique

Reality vs Recommendations in the Care of Infants With Intersex Conditions

A 15-member multidisciplinary panel from the Hastings Center Surgically Shaping Children Group, Garrison, NY, has proposed guidelines for the management of children with intersex conditions. While based on a comprehensive and careful deliberation of multiple issues pertaining to intersexuality, these guidelines fail to acknowledge many of the obstacles and uncertainties faced by practicing health care professionals today. Thus, the goal of this commentary is to offer an appraisal of these recommendations under the lens of a pediatric endocrinologist grappling with the real life challenges of providing compassionate and responsible care to infants with intersex conditions and their families. Each conclusion made by the Hastings Center will be presented and discussed.

According to the Hastings Center group, none of the appearance-altering surgeries need be done urgently and surgery to normalize appearance without the consent of the patient lacks ethical justification, in most cases.

Decisions regarding whether and when to perform early genital surgery in infants with intersex disorders are undeniably among the most difficult.[1] Historical claims that formation of a stable gender identity requires concordant genitalia in terms of appearance have legitimately been questioned and rejected by many. However, the opposite view that genital surgery be uniformly deferred until the patient is able to give consent cannot be supported by available information. The greatest concern revolves around the potential psychosocial sequelae of growing up with genitalia discrepant from those of siblings and other children. No data currently exist that shed light on to what extent this concern is warranted, if at all. An additional flaw in the blanket recommendation to withhold all nonessential early genital surgery is that it overlooks the fundamental role of parents in ensuring a child's physical and emotional well-being. Above and beyond factors such as prenatal androgen exposure, appearance of the genitalia, and surgery or no surgery, the most important determinant of outcome may be an individual family's ability to accept and unconditionally love their child.[2] Recent reports of comparable degrees of satisfaction and dissatisfaction with sex of rearing, body image, and sexual function in 46, XY undervirilized males raised either male or female would seem to support this view.[3] If parents maintain a strong prejudice in favor of surgery despite a

(continued)

complete education about its potential risks, the effects of unilaterally denying this option for a decade or more could surely be disastrous. Therefore, until rigorous comparisons of psychosexual function in patients receiving early genital surgery using modern techniques vs no early genital surgery have been conducted, only 2 conclusions may safely be made. First, the ultimate decision regarding early surgery rests with the parents and should be made in the context of their own cultural beliefs only after a detailed and comprehensive review of all options, opinions, and available outcome data.[4] Affording parents this authority does not present an ethical dilemma, since in our society all major decisions regarding minor children are traditionally made by parents. Second, when early genital surgery is performed, it should be undertaken by surgeons in centers of excellence with particular expertise in the care of patients with intersex conditions.[5]

According to the Hastings Center group, families with children with intersex conditions require multidisciplinary care and the lack of local social work and/or mental health expertise cannot become an excuse for circumventing needed psychosocial support.

It has long been acknowledged that psychological counseling and support should be an integral component of the multidisciplinary standard of care for children with intersex disorders, and we agree with this approach. Unhappily, it has also been demonstrated that few, if any, centers actually follow such a model.[6] In reality, it often falls to the pediatric endocrinologist to guide the family through the initial distress and subsequent decision-making process that follow the birth of an infant with an intersex condition, a situation that is clearly suboptimal. However, failure to provide mental health expertise may not indicate deliberate circumvention but may result from a deep reluctance on the part of the family to comply with psychological follow-up. Having personally been told on more than one occasion that "God is my psychiatrist," physicians can no more force families to avail themselves of counseling than request that they reorient their religious beliefs. Efforts to train qualified mental health practitioners must continue with the goal of establishing in situ intersex teams through which it is conveyed to families that a multidisciplinary approach is assumed in both initial and ongoing management.

According to the Hastings Center group, children with intersex conditions deserve to know the truth about their bodies.

Previous medical practices advocating secrecy and the withholding of accurate information from patients with intersex conditions have been rightfully denounced.[7] In their place we are left with a vague mandate to provide age-appropriate explanations to children with intersex conditions regarding why and how they are different from others. Precisely who should deliver this information, with what words, at what time, and in what form (written vs verbal vs pictorial) has never been explicitly stated. Thus, we muddle along in our attempts to provide full disclosure in ways that respect the psychological vulnerability of the child, the inherent sensitivity of the subject, and the parents' wishes regarding whether to reveal the diagnosis, which are sometimes in direct conflict with our own. Clearly, health care professionals taking care of children with intersex conditions need more specific guidance than that which is currently offered.

According to the Hastings Center group, ethical practice demands rigorous follow-up studies.

Agreed! It is essential to recognize that anecdotal case reports, no matter how compelling, should never dictate medical practice.[8] Rather, prospective, long-term multicenter trials are vital in establishing outcomes and informing clinical management. Advances in molecular genetic analysis will enhance the ability to make a precise diagnosis, while the development of creative consortia focused on intersexuality will foster scientific inquiry and collaborative research endeavors.

According to the Hastings Center group, health care professionals need additional training about intersex conditions and sexual health generally.

While information regarding human sexuality and the need for tolerance regarding diversity should be incorporated in the education of all health care professionals, it is unlikely that a general inclusion of these topics will contribute substantially to the care of children with intersex conditions. Rather, the development and implementation of intensive short-term programs geared toward the infusion of individuals with special expertise into the healthcare system would likely be a more effective approach. Participants in such programs could include physicians, nurses, social workers, psychologists, parents, and adult patients who could provide an important liaison role between individual families and the health care team.

Much has been written recently regarding the management of children with intersex conditions. Despite apparent differences, significant common ground may be identified. The next phase in the shifting evolution of current management protocols must be devoted to obtaining objective information regarding outcomes in various conditions. During this critical time, it will be essential to avoid polarization and to engage in an honest, empathetic exchange with the common goal of providing the best possible care to children with intersex conditions and their families.

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Diagnosis and Management of Ambiguous External Genitalia

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The remarkable accumulation of knowledge over the past five decades and new and continuing insights in the field of sex determination and differentiation represent major landmarks in biomedical science. No aspect of prenatal development is better understood. Major recent contributions to our understanding of human sexual anomalies have stemmed from the continued studies of patients with abnormalities of sex determination and differentiation, the advances emanating from molecular genetics and experimental genetic modifications in the mouse, and provocative studies on sex differentiation of the human brain and factors affecting gender identity and behavior.

Sex determination and differentiation are sequential processes. Sex determination is concerned with the establishment of chromosomal (genetic sex) in the zygote at the moment of conception and the determination and regulation of the development of primary or gonadal sex [1–5]. The critical event in this process is the differentiation of the initially bipotential primordial gonad into either a testis or an ovary [1–5]. Sex determination, accordingly, is fundamentally gonadal determination. Sex differentiation involves downstream processes subsequent to gonadogenesis, including the differentiation of the genital apparatus and hence the phenotypic sex [1,2]. In contrast to the male, in whom the fetal testicular hormones (testosterone, dihydrotestosterone [DHT], and anti-müllerian hormone [AMH]) are critical, female sex differentiation is not dependent on ovarian hormones [1,2]. The major sex difference in the sex steroid milieu of the human fetus is the high circulating testosterone and tissue-specific DHT concentrations in the male fetus during the critical period of sex differentiation. In addition, there are sex differences in anti-müllerian hormone and inhibins, and to a lesser degree fetal pituitary gonadotropins [2].

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Anomalous sexual development can be considered in two broad categories: disorders associated with defective gonadal differentiation, and disorders in which gonadal differentiation is intact but sex differentiation is defective. In Table 1, a classification of anomalous sexual development, we include dysgenetic male pseudohermaphrodism in the category of male pseudohermaphrodism (as well as under disorders of gonadal differentiation) because it is clinically useful to do so. In recent years remarkable advances have greatly increased our understanding of the molecular mechanisms involved in disorders of sex determination and sex differentiation [2]. A diverse, heterogeneous group of disorders can adversely affect any component of the sex determination and differentiation combinatorial cascade.

The first step in the diagnosis of the infant with a possible abnormality in sex determination or differentiation is the recognition of an aberration in "normal" development of the external genitalia [2,6–8]. In addition to children with truly ambiguous genitalia, it is necessary to evaluate "apparent males" with bilateral nonpalpable testes (full-term infant); micropenis (a stretched phallic length <2.5 cm in the full-term infant) [9]; and hypospadias, especially perineal hypospadias with separation of the scrotal sacs or cryptorchidism (unilateral or bilateral) or both [10].

Similarly, "apparent" females should be investigated who have clitoromegaly (>0.9 cm in a full-term infant) [11]; posterior labial fusion resulting in a foreshortened vaginal introitus or a single perineal orifice; inguinal hernia; and palpable inguinal or labial gonads.

In a "suspect" infant or child, inquire about any medications, especially sex steroids, that the mother took during pregnancy, because sex steroids (particularly androgens and progestins) have been associated with ambiguous genitalia in females and males, respectively [2,12,13]. Ask the mother if she had signs of virilization during pregnancy, an important clinical sign of fetal aromatase deficiency [2,14]. The family history may reveal siblings or other family members with congenital adrenal hyperplasia, complete or partial androgen insensitivity syndrome, genital anomalies, infertility, abnormal pubertal development, or unexplained deaths in infancy and childhood. Ex-

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TABLE 1. Classification of Anomalous Sexual Development (*Continued*)

E. Defects in synthesis, secretion, or response to anti-müllerian hormone: persistent müllerian duct syndrome (female genital ducts in otherwise normal men; herniae uteri inguinale)

F. Maternal ingestion of progestagens

G. Environmental chemicals (endocrine disrupters)

IV. Unclassified forms of abnormal sexual development

A. In males
1. Hypospadias
2. Ambiguous external genitalia in XY males with multiple congenital anomalies

B. In females, absence or anomalous development of the vagina, uterus, and uterine tubes (Rokitansky-Küster syndrome)

Modified from: Grumbach MM and Conte FA. Disorders of sex differentiation. In: JD Wilson, DW Foster, HM Kronenberg, PR Larsen (eds). Williams Textbook of Endrocrinology, 9th ed. WB Saunders, Philadelphia, 1998; 1303–1425.

plore with the family possible exposure to potential environmental hazards (endocrine disrupters or teratogens) [2].

On physical examination, look for associated anomalies that might suggest a specific abnormality of sex determination, such as redundant nuchal skin folds (webbed neck), lymphedema of the hands and feet, and the skeletal anomalies found in Turner syndrome (and XO/XY mosaicism). Other features that suggest a specific diagnosis are aniridia (WAGR; WT-1 deletion), shortening and bowing of the extremities (camptomelic dysplasia–SOX 9 mutation), multiple congenital anomalies (9p−, 10q−, Smith-Lemli-Opitz syndrome), and so forth [2,5].

Carefully examine the external genitalia. Determine the size of the phallus, both stretched length and the adequacy of the corporal bodies (width), as well as the degree of chordee, if present. Assess the presence or absence of gonads by gently and carefully palpating the scrotum or labia and inguinal canals. Identification of an inguinal or labioscrotal gonad militates against the diagnosis of female pseudohermaphrodism, including congenital adrenal hyperplasia. If a gonad is palpated, is it homogeneous or inhomogeneous? The latter suggests the possibility of an ovotestis and, thus, a true hermaphrodite. A single perineal opening raises the possibility of a urogenital sinus. The symmetry, the degree of scrotalization of the labioscrotal folds, and the pigmentation should be noted. Increased pigmentation of the skin, mucous membranes, and especially the external genitalia points to an abnormality in cortisol synthesis or response, most commonly congenital adrenal hyperplasia and rarely SF-1 deficiency or a mutation in the glucocorticoid receptor [2]. All these conditions are associated with elevated concentrations of plasma ACTH.

After a thorough history and physical examination, it is useful to obtain a pelvic ultrasonogram to visualize the internal structures, including the presence of a uterus, vagina, and possibly clues to the nature of the gonad (ovary, testes, ovotestis). Müllerian derivatives that are hyperplastic in the newborn owing to prenatal estrogens are often difficult to visualize for technical reasons in some infants and children by ultrasonography. When in doubt, especially in a patient with a 46,XX karyotype, or if more definitive delineation of the pelvic contents and external genitalia is important, a pelvic MRI is useful and more definitive [15]. Blood for karyotype analysis should be promptly obtained. The results should be available no later than 72 hours after birth. However, fluorescent in situ hybridization (FISH) with X and Y probes [2,16] provides a more rapid assessment of the sex chromosome constitution. Blood for baseline chemical studies should be drawn after 24 hours of age and should include a steroid profile (which can be obtained on <5 mL of blood in commercial laboratories that feature analyses of steroid profiles in infants and children), gonadotropins, AMH [17], and serum electrolytes.

Using the information obtained above, the clinician can obtain much information about a disorder of sex determination or sex differentiation (Fig. 1).

Patients with disorders of gonadal differentiation generally have karyotypic abnormalities (e.g., 47,XXY, 45,X/46,XY mosaicism, 46,XX/XY chimerism). Phenotypic females with sporadic or familial 46,XY with complete gonadal dysgenesis are of normal height, lack somatic stigmata of Turner syndrome, and have elevated plasma FSH and LH levels and, in 15% to 20% of affected individuals, a mutation in the gene encoding SRY [2]. These patients and those with 46,XX complete gonadal dysgenesis are rarely diagnosed in infancy or childhood until they present at a pubertal age with lack of female secondary sex characteristics. Rarely, such patients may be identified by amniocentesis or chorionic biopsy (performed for other indications) because of the discrepancy

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CYP19 mutations (P450 arom) in the 46,XX female are characterized by aromatase deficiency, which results in varying degrees of masculinization of the external genitalia [2,14,22]. The ovaries may be multicystic in infancy and postpubertally; plasma androgens, androgen precursors, and FSH levels are elevated; and plasma estradiol and estrone values are low or undetectable.

46,XX infants are presumed to have nonadrenal, nonandrogen female pseudohermaphrodism if congenital adrenal hyperplasia, aromatase deficiency, maternal history of treatement with substances with androgenic activity, and a glucocorticoid receptor defect have been ruled out by appropriate studies (see Table 1). In some infants, non-androgen-induced female pseudohermaphrodism is associated with anomalies of the lower intestinal and urinary tract [2,23]. Such infants should be evaluated for pyelonephritis and anomalies in other systems.

Characteristically, patients with female pseudohermaphrodism have a uterus and fallopian tubes with ovaries in the normal position. Accordingly, the diagnosis of female pseudohermaphrodism should be viewed with suspicion if there is an inguinal hernia or if a gonad-like mass is palpable in the groin or labia. Such a mass is frequently a testis or ovotestis and excludes the diagnosis of female pseudohermaphrodism.

Male pseudohermaphrodism is a heterogenous group of disorders in which, as a consequence of androgen deficiency or androgen resistance, the external genitalia are incompletely masculinized, or as a consequence of a defect in testicular organogenesis or of anti-müllerian hormone deficiency or resistance, the differentiation of the internal genital structures is abnormal (see Table 1). The occurrence of complete or incomplete defects in androgen biosynthesis, metabolism, and action, the fact that more than one gene can encode a protein with the same enzymatic activity but exhibit different tissue specificities or developmental expression (e.g., 3β-hydroxysteroid dehydrogenase, 17β-hydroxysteroid dehydrogenase, and 5α reductase), and the action of "modifier genes," including gene polymorphisms that can lead to different phenotypes in some individuals, even in affected siblings with the same genetic mutation, can confound the clinical picture and predictions about the natural history of the disorder. Nevertheless, careful, precise, and prompt evaluation of the infant or child with ambiguous genitalia is indicated to ascertain, if possible, an etiologic diagnosis [24] (Fig. 2).

The evaluation of the infant with ambiguous genitalia profits greatly from a team approach with the pediatric endocrinologist, psychiatrist/psychologist, pediatrician, pediatric surgeon, urologist, and social worker (Table 2).

To my knowledge, this approach was first put into practice in the early 1950s; as was well-described by a report in 1955 by Wilkins, Grumbach, Van Wyk, et al. [25]. It was Wilkins, who in 1950 codiscovered glucocorticoid therapy for congenital adrenal hyperplasia, who singlehandedly captured the management fo intersexuality from the sole aegis of the surgeon and urologist, and introduced the concept of a multidisciplinary approach and a critical role for the pediatric endocrinologist. The goal is to arrive at a prompt etiologic diagnosis, if possible, and then with disclosure, communication of choice, and "informed consent" of the parents, assign a sex of rearing for the infant, with the prospect that the choice of assigned sex is compatible with a life minimally compromised by the intersexuality, including the capacity for sexual function. Lucid, comprehensive discussions reinforced periodically with the parents about their infant's "atypical genitalia," the natural history of the disorder, prognosis and management options, both surgically and hormonally, and the limited outcome data for some disorders are critical to obtaining informed consent on the sex of rearing. The clinician must be aware of and sensitive to the parents' anxiety, their level of understanding, religious and cultural differences, and social mores [26]. The intersex child and the parents need the ongoing support of mental health specialists knowledgeable in the issues and complexities of intersexuality and gender identity and gender behavior.

A great deal of discussion and controversy surrounds the management of infants with intersexuality [26–32]. The controversy has been highlighted by the article of John Colapinto in *Rolling Stone* and his subsequent book [33] and the mandate of the Intersex Society of North America. Advances in biochemistry, genetics, and endocrinology have increased greatly the understanding of the pathogenesis and natural history of abnormalities of sex determination and differentiation. It is now possible to make a specific diagnosis in the majority of patients with ambiguous external genitalia (Tables 1 and 3); the assessment of the phallic response to intramuscular testosterone is very useful in selected patients with male pseudohermaphrodism [34,35] (Table 4). This progress and the surgical advances in feminizing genitoplasty [36–39] and hypospadias repair [40] strike a note of optimism.

Further, in the venerable nature-versus-nurture controversy, it is hardly a surprise that recent insights recognize that both (gene–environment interactions) are critical factors. Androgens in utero are facilitative but not determinative in their effect on gender identity in patients with intersexuality. We must emphasize the large gaps in the long-term outcome data in many of these disorders. All of these considerations lead to the following recommendations, fully recognizing the uncertainties and the limitations of current knowledge:

1. We recommend male sex assignment in 46,XY male pseudohermaphrodites, except in those with complete androgen resistance or those who have completely fe-

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TABLE 2. Management of Infants with Ambiguous Genitalia

Get help! Team approach: pediatrician, endocrinologist, psychiatrist, social worker, and surgeon
- Arrive at a prompt definitive diagnosis.
- Inform the parents of your diagnosis: The natural history of the disorder, prognosis, and the therapeutic options.
- Communication of choice; disclosure
- Consider the parents' level of understanding, cultural background, and religious views in order to allow them to come to a decision on the "sex" of their child and to provide truly "informed consent."

TABLE 4. 46, XY Male Pseudohermaphrodite

- Testosterone enanthate 25 mg I.M. monthly ×3: "normal" response >0.9 cm increase in phallic length
- Raise 46,XY male pseudohermaphrodites as males except those with:
  - complete androgen insensitivity syndrome
  - completely female genitalia (?)
  - compelling reasons for sex assignment as female including parents' informed decision

male external genitalia due to a rare error in testosterone biosynthesis, where extensive discussion with the family is especially warranted (see Table 4). In some cultures, the social, cultural, and economic benefits of a male gender identity are more compelling than phallic adequacy and are a prevailing, if not the most important, factor in parental decision-making on the sex of rearing [26].

2. 46,XX female pseudohermaphrodites, including affected infants with complete masculinization of the external genitalia (Prader V) [41], should be raised as females (Table 5).
3. Currently, it is desirable to initiate plastic repair of the external genitalia by 6 months of age. Surgery should be performed by pediatric surgeons/urologists who are trained and experienced in genital repair and are part of a consortium concerned with the diagnosis and management of intersexuality (Table 6). Function is more important than the cosmetic appearance of the external genitalia. Skillful genitoplasty is essential in children raised as females in whom the clitoris is greatly enlarged. The authors emphasize that modest degrees of clitoral enlargement or genital ambiguity in female pseudohermaphrodites do not require surgical corrections. If surgeons experienced in these techniques are not available, it is advisable to defer vaginoplasty until adolescence. Hypospadias repair [40] is best performed at 6 months to 1 year of age.
4. Removal of rudimentary testes in children harboring a Y chromosome (dysgenetic male pseudohermaphrodism) should be performed at the time of initial repair of the external genitalia; gonadoblastoma, seminomas, and germinomas may occur in the first decade of life. However, histologically and functionally "normal" scrotal testes should be retained in male pseudohermaphrodites, especially those with an XO/XY karyotype. The status of the testis can be assessed periodically by determination of plasma testosterone, inhibin B, and gonadotropins and by ultrasonography (see Table 6). After the onset of puberty, a testis biopsy is useful for the detection of carcinoma in situ [42].
5. In complete androgen resistance, the testes may be left in place (especially if they are not located in the labia major) to provide a natural source of estrogen until late adolescence. The patient may then elect to undergo orchidectomy, having undergone pubertal feminization. With the laparoscopic approach, it is feasible to repair an inguinal hernia in childhood without removing the testis. In the patient with partial androgen insensitivity or with certain severe biosynthetic defects in androgen synthesis in whom the parents select a female sex assignment, a variable degree of masculinization will occur at puberty (e.g., 17β-HSD3). In those patients in whom the assigned female sex and gender identity are congruent, orchidectomy is usually advisable by early puberty.
6. In all patients, continuing endocrinologic and psychosocial support are critical aspects of follow-up and

TABLE 3. Ambiguous External Genitalia in 67 patients with an XY Karyotype and/or Testicular Tissue

Definitive Diagnosis: 48% (n = 32)
Testicular dysgenesis, true hermaphrodism, Incomplete androgen resistance syndrome or 17β HSD-3 deficiency
Idiopathic: 52% (n = 35)
Increased prevalence of intrauterine growth retardation and somatic malformations

From: Morel Y, Rey R, Teinturier C, et al.: Actiological diagnosis of male sex ambiguity: A collaborative study. Eur J Pediatr 2002; 161:49–59.

TABLE 5. Female Pseudohermaphrodite; True Hermaphrodite

46,XX Female Psuedohermaphrodites with CAH
- Raise as females

True Hermaphrodites
- Raise as females except those who are 46, XY and virilized.

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TABLE 6. Surgery: Functional >>> Cosmetic result

- Clitoroplasty
- Vaginoplasty and clitoroplasty performed by 4 to 6 months if skillful, experienced surgeons are available; otherwise may be delayed until after the age of puberty
- Hypospadias repair: 6 months–1 year
- Remove dysgenetic gonads in all patients with a Y cell line
- Retain histologically and functionally normal scrotal testes in 46,XY male pseudohermaphrodites.
- Follow closely and perform periodic ultrasonography of testes. Consider biopsy post-pubertally to rule out carcinoma in situ (CIS).
- Complete androgen insensitivity: testes may be retained until after puberty,
- Partial androgen insensitivity or biosynthetic defects (females): if female sex of rearing selected, gonads can be retained until pubertal onset when a decision about gonadectomy should be evaluated.

should be available throughout infancy, childhood, and adolescence (Table 7). Patients should have progressive, step-by-step, age-appropriate discussions about their diagnosis, pathophysiology, quality of life, and their potential for fertility. Disclosure is critical. The patient (when possible) and the parents should be involved in decisions about surgery and sex hormone replacement. The primary goal of the physician caring for the intersex child is to maximize the patient's potential to lead a well-adjusted life.

In sum, the physicians and consortium concerned with the diagnosis, selection of sex of rearing, and management of the infant with intersexuality must be prepared to address the complex ethical, cultural, social, religious, clinical, and surgical issues presented by the intersex patient in the face of incomplete outcome data.

TABLE 7. Management in Childhood and Adolescents

- Hormone therapy at puberty if necessary
- Progressive, step-by-step, age-appropriate discussion with patient of diagnosis, pathophysiology, gender, and potential for fertility from childhood through adolescence.
- Involve the patient in decisions about surgery and sex hormone replacement therapy
- Continuing psychosocial and endocrinological support for the patient and the family
- Long-term follow-up data of the outcome of modern management need to be a high priority.
- Consider establishment of regional "Centers of Excellence" for the long-term study and treatment of infants and children, adolescents, and adults with interssexuality.

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Table 22-42. Management of Ambiguous Genitalia

Get help! Team approach: pediatrician, endocrinologist, child mental health expert, social worker, and surgeon.
- Arrive at a (prompt) definitive diagnosis if possible
- Inform the parents of your diagnosis: the natural history of the disorder, prognosis, and the therapeutic options. Full disclosure!!
- Consider the parents' level of understanding, cultural background, and religious views in order to allow them to come to a decision on the "sex" of their child and to provide truly "informed consent."

as a number of informed pediatric surgeons and urologists.[441, 482, 1537-1545, 1561] The Winter 1998 (Vol. 9, No. 4) issue of the *Journal of Clinical Ethics* was devoted to "Intersexuality."[1562] In a historical perspective on hermaphroditism, Dreger has emphasized how ingrained are our attitudes about "gender normality" but it also exemplifies how much our attitudes have changed.[1546]

Considerations Governing Choice of Sex for Rearing

With early, carefully weighed assignment of sex for rearing and appropriate continued management with an emphasis on continuity of care, individuals with ambiguities of the genitalia have the potential to lead well-adjusted lives and ultimately a satisfactory sex life. To obtain this favorable result, it is incumbent on the physician to make a correct diagnosis as early as possible and to provide the parents with pros and cons of sex assignment so that they may acquire sufficient knowledge to arrive at an informed decision on the sex for rearing. Lucid, simple, comprehensive discussions with the parents, taking into account their anxieties, religious views, social mores, cultural factors,[1540] and level of understanding, are critical for an appropriate gender assignment. The detection of genital ambiguity in a newborn infant can be seen as an urgent neonatal psychosocial necessity, beginning with how the parents are informed about the genital ambiguity. Once the sex for rearing is assigned, the gender role is reinforced by the use of whatever appropriate surgical, hormonal, and psychological measures are indicated.

Studies of patients reared in a sex discordant with their chromosomal sex, gonadal sex, hormonal sex, and even external genital organs have shown that no one parameter is an infallible basis on which to assign sex for rearing. A large body of evidence supports the masculinizing effect of exposure of the female as well as the male fetus to androgens; however, the magnitude of this influence cannot be predicted with certainty in the individual case. In intersex patients the degree of masculinization of the external genitalia does not correlate strongly with that of the central nervous system. The physician should consider the modern surgical advances in genital repair,[507] including repair of hypospadias,[506] and the use of exogenous testosterone in the treatment of androgen-sensitive microphallus.[1551, 1515] In some cultures, the social, cultural, and economic benefits of a male gender are more compelling than phallic adequacy and are a prevailing, if not the most important, factor in the parental decision on the sex of rearing (Table 22-42).[1540, 1547]

The hormonal sex expected at maturity and the increasing possibility of fertility with advances in assisted reproduction technology are of importance. With the exception of female pseudohermaphrodites and true hermaphrodites reared as females, ambiguities of the external genitalia are caused by lesions that severely compromise but do not eliminate the possibility of fertility in view of the advances of modern reproductive techniques. A major goal in intersex patients should be the possibility of achieving cosmetic and functionally normal external genitalia by surgical and endocrinologic means. In considering a decision to recommend a male sex of rearing, emphasis should be placed on the size of the shaft and glans and its potential for growth. All phenotypic males with micropenis (stretched penis length < 2.5 cm at birth) should be given a trial of testosterone enanthate in oil, 25 to 50 mg intramuscularly monthly for three doses, to ascertain the potential of the phallus for further growth before a decision on sex of rearing is made.[1515] Failure of the phallus to lengthen significantly (mean response, 2.0 ± 0.6 cm) raises the possibility of inadequate growth of the phallus in later childhood and at puberty. The parents should be made aware of the difficulties in making a dogmatic recommendation with the limited data on outcome. Principles governing the differential diagnosis and the surgical, hormonal, and psychological management of patients with genital ambiguity are treated more extensively in the following sections.

Differential Diagnosis of Ambisexual Development in Infancy

Abnormalities of sex differentiation should be suspected not only in infants with ambiguous genitalia (Fig. 22-87) but also in apparent females with inguinal masses, inguinal hernias, or slight clitoral enlargement. Apparent males with cryptorchidism, hypospadias, or unusually small genitalia or gonads likewise deserve close scrutiny. Sufficient investigation should be carried out in the newborn period to ascertain, if at all possible, an etiologic diagnosis to permit an informal decision by the parents on the assignment of sex. A karyotype or FISH analysis of sex chromosomes is an imperative first step in all such newborns (Fig. 22-88).

Infants with a 46,XX Karyotype

All infants with sexual ambiguity and a 46,XX karyotype should receive sufficient study in the neonatal period to differentiate the various forms of female pseudohermaphroditism (Table 22-18) from true hermaphroditism and the rare XX male.

Congenital Adrenal Hyperplasia

Female pseudohermaphrodites with virilizing CAH are reared as females in most cultures (Table 22-43). If female pseudohermaphroditism is secondary to CAH (primarily CYP21 deficiency), plasma levels of 17-hydroxyprogesterone and androstenedione and excretion of urinary 17-ketosteroids should be markedly elevated. A plasma 17-hydroxyprogesterone level higher than 90 nmol/L (3000 ng/dL) in an infant with ambiguous genitalia who is 24 hours of age or older is virtually diagnostic of 21-hydroxylase deficiency. However, premature and stressed infants may have elevated plasma 17-hydroprogesterone levels for 4 to 5 days. The diagnosis of CAH is sometimes difficult in the newborn period and may require multiple steroid determinations and the use of an intravenous bolus of ACTH to stimulate plasma 17-hydroxyprogesterone for the detection of 21-hydroxylase deficiency and 11-deoxycortisol for 11-hydroxylase deficiency. Any infant with ambiguous external genitalia who fails to thrive or who develops vomiting, dehydration, and signs of hypoglycemia during the first few weeks of life should be suspected of having a severe salt-losing form of CAH. If such an infant has hyperkalemia associated with acidosis and hyponatremia, the diagnosis is virtually assured, and vigorous therapy with hydrocortisone, salt, and mineralocorticoids should be instituted on an urgent

Reassignment of Sex After the Newborn Period

Children may be assigned an inappropriate sex because of errors in diagnosis or ignorance of the principles that should properly determine this choice. In such cases, the knotty decision to change the sex of rearing or to leave matters undisturbed depends largely on the age of the child and the degree to which the gender identity has been established. Money has stated that a change in the sex of rearing is feasible until the age of 18 months and is sometimes successful until 30 months,[492, 491] but thereafter, in our culture, serious and sometimes complex psychiatric and social consequences may be encountered. This concept has been challenged. Nevertheless, change of gender assignment in children should be undertaken after 18 months only after a review of alternatives and with the provision of close supervision and long-term counseling of the patient, parents, and siblings.

Before, at, or during adolescence, the patient may reach the decision that he or she has been reared in the wrong sex and may request assistance in changing his or her sex of assignment. If there are sufficient grounds for this belief, the request should be considered seriously and honored. Some patients may have serious psychological disturbances, and both psychiatric and legal counsel should be sought.[1197]

Reconstructive Surgery

Because the presence of ambiguous external genitalia is likely to reinforce doubt about the sexual identity of the infant or child, it is desirable to initiate reconstructive surgery as early as is medically and surgically feasible. The functional result, rather than the cosmetic, is paramount. It is highly desirable that surgery on the external genitalia be initiated before 6 months of age when practicable.[507, 508, 923, 1012, 1553, 1554]

The management of clitoromegaly in female pseudohermaphrodites and in male pseudohermaphrodites reared as females has been controversial. Two different operative approaches have been used: clitoral recession, first reported by Lattimer in 1961 to replace the then widely used clitorectomy,[1013, 1555] and clitoroplasty.[506, 507, 508, 1015] Clitoridectomy[457, 1556] has long been abandoned as a mutilating procedure. Documentation of the role of the clitoris as an erotic organ in women[1557] makes it clear that clitoridectomy must be avoided. Clitoral recession has significant drawbacks mainly because of painful clitoral erections.[1013] Clitoroplasty, as recommended by Donahoe,[507] Rink,[509] Hutson,[1015] and Baskin[506] requires excision of the shaft and corpora with retention of the glans. This procedure and modifications of it[1012] are used most widely at present. Long-term data are still necessary to evaluate the efficacy of this procedure with respect to appearance and sexual function.

The extent of the initial repair of the urogenital sinus and vagina depends in large part on the skill and experience of the surgeon. These are not procedures that should be undertaken by surgeons or urologists who have not had training and experience with these techniques and are not part of a team of professionals that address clinical issues. Even when the initial repair has been done in the past by an experienced surgeon, it has not been uncommon for patients who have had vaginoplasties performed at age 18 months or earlier to require secondary operations because of stenosis of the introitus.[1554] We believe that reconstruction of a vagina in male pseudohermaphrodites reared as females and in female pseudohermaphrodites can be deferred until adolescence or until requested by the patient. A small vaginal pouch often can be enlarged by daily manipulations with a suitable mold.[1559] Even if the vagina remains too shallow for satisfactory coitus, manual dilatation makes it easier to carry out subsequent surgical correction.

Table 22–46. Removal of the Gonads

- Retain histologically normal and functional scrotal testes in 45,X/46,XY male pseudohermaphrodites.
- Follow closely. Consider biopsy postpubertally to detect carcinoma in situ and perform periodic ultrasonography of testes.
- Complete androgen insensitivity: testes may be retained until after puberty.
- Partial androgen insensitivity or biosynthetic defects: if female sex of rearing is selected by parents, we recommend gonadal removal before puberty to prevent virilization.

A male with hypospadias no longer requires multiple procedures to create a phallic urethra. In recent years, new surgical techniques have reduced the number of operations and the length of hospitalization and have increased the success rate and parental expectations for "normality" in both the short and the long term.[506] Circumcision should be avoided to preserve as much tissue as possible. Laparoscopy can be undertaken (if necessary) simultaneously with the initial operation. It is often desirable to insert prosthetic testes to give the scrotum dependency and to improve cosmetic appearance. These may be changed to adult-sized prostheses in adolescence.

Removal of the Gonads

A high incidence of gonadal tumors in patients with certain forms of gonadal dysgenesis and dysgenetic male pseudohermaphroditism especially makes it mandatory that an evaluation of this risk be given priority in deciding whether and when the gonads should be removed. Although the incidence of gonadoblastomas and germinomas (seminomas or dysgerminomas) increases near the normal time of adolescence, tumors are sometimes discovered during the first decade. Because temporizing serves no useful purpose and may expose the child to hormone secretions inappropriate to the chosen sex for rearing, it is advisable to proceed with gonadectomy concurrently with the initial repair of the external genitalia in patients who are at high risk, especially in the instance of intra-abdominal rudimentary testes. We are evaluating the use of MRI of the pelvis every 1 to 2 years to screen for gonadal neoplasms in children at risk.

Although prevalence of gonadal tumors has been reported to be as high as 9% in patients with the androgen resistance syndrome based on studies over three decades ago, some patients who developed tumors may have had atypical forms of gonadal dysgenesis; a modern survey is not available. The prevalence of gonadal malignancy before age 25 years in patients with androgen resistance appears to be relatively low. If the patient has a hernia and surgical repair is indicated, we recommend gonadectomy at that time to avoid a second operation. Otherwise, in the patient with complete androgen resistance, the undescended testes may be left in situ until after puberty. Thereafter, a frank and open discussion with the patient of the pathophysiology of androgen resistance and an assessment of the risk of gonadal malignancy needs to be undertaken to obtain informed consent for gonadectomy (Table 22–46).

There is a risk of some degree of virilization at the time of puberty in patients with the partial form of androgen resistance and in those with other forms of male pseudohermaphroditism with retained testes in whom a female sex for rearing has been assigned. In these cases, gonadectomy before puberty has been advanced and should be considered and discussed with the patient and parents. In some male pseudohermaphrodites who are raised as males, at least partial development of male secondary sexual characteristics will occur at the expected time of puberty. Provided the testes are not dysge-

TOTAL P.15

netic and are sufficiently descended to permit palpation, it is reasonable to leave the testes in situ. Such patients should be carefully examined at regular intervals for the presence of a tumor. MRI, ultrasonography, and examination of testicular biopsy specimens are useful in the early diagnosis of CIS and testicular neoplasm.[1560]

Hormone substitution therapy in hypogonadal patients should be prescribed in such a way that secondary sexual characteristics emerge appropriately in both timing and sequence. The goal of therapy should be to approximate normal adolescent development as closely as possible.

In females, including patients with the syndrome of gonadal dysgenesis, estrogenic hormone substitution therapy is initiated with low oral doses of estrogen (0.3 mg conjugated estrogens or 5 μg ethinyl estradiol daily) or a transdermal estradiol patch.[745] Breast enlargement and growth of the uterus frequently occur within 3 months. Usually, cyclic therapy with estrogen and an oral progestagen is begun after 6 to 12 months of estrogen therapy or sooner if breakthrough bleeding occurs (see section on treatment of gonadal dysgenesis).

Development of male secondary sexual characteristics is usually better with repository injections of testosterone or a transdermal testosterone patch than with oral preparations. Few data are available on the use of dermal testosterone therapy in childhood or adolescence. Many oral synthetic androgens have the added disadvantage of predisposing to biliary stasis, jaundice, and hepatic tumors. Rapid virilization is usually inadvisable, and it is preferable to promote virilization gradually over many months in a manner similar to that in normal boys. The effect of gonadal steroids on skeletal maturation is dose related, whereas the effect on linear growth is less so. The relation between attained stature and skeletal maturation at the inception of therapy and the dose of androgen prescribed determine the ultimate effect of this therapy on adult height. An initial intramuscular dose of 50 mg of testosterone enanthate or other long-acting testosterone ester may be given monthly, beginning at age 12 to 13 years. Thereafter, the dose should be increased gradually over 3 to 4 years to the adult replacement dose of 200 mg every 2 weeks, usually reaching the adult level after a bone age of 17 years has been attained (see Table 22–45). In selected patients we have used the transdermal testosterone patch; initially the 2.5-mg patch is applied overnight for 8 hours. Subsequently the length of application is gradually increased to 24 hours.

Psychological Management

The newborn with ambiguous genitalia presents a clinical, social, and psychological challenge.[1561] Initially, in infants with ambiguous genitalia it is best for the physician to admit uncertainty regarding the "true sex" of the child and to urge the parents not to immediately assign a name and send out birth announcements. The filing of the birth certificate with the name should be delayed until a definite gender assignment and name has been given to the child. Clinical, cytogenetic, hormonal, and radiologic evaluation should be undertaken expeditiously. Thereafter, clearly presented, comprehensive, and informative discussions with the parents should ensue with all members of the team (i.e., endocrinologist, infant's physician, geneticist, surgeon, mental health specialist, social worker) present, if possible. This discussion should take into account the anxieties, religious views, social mores, cultural background, and level of understanding of the parents to make the best gender assignment for the infant and to obtain informed consent for the decision from the parents. A simple explanation of the normal process of sexual differentiation with appropriate illustrative material is useful because it lays the groundwork for the concept that all fetuses are bipotential initially and that sex differentiation is a complex process that may not be completed in utero. An analogy to other so-called birth defects (e.g., cleft lip, congenital heart disease) is accurate, easily understood, and less psychologically threatening. It should be stated clearly that the anatomic abnormalities can be surgically repaired by an experienced surgeon, that hormone replacement can be given if necessary, and that psychological support is available (Table 22–47). Continuing follow-up by the team members should address any questions that arise during infancy and childhood. In this age of "freedom of information," it is prudent to discuss in an age-appropriate manner and in progressive stages all aspects of the diagnosis, pathophysiology, management, and treatment of the ambiguous genitalia with the patient as soon as his or her level of increased understanding allows for this.

The implications of these observations for the management of intersex are debated in a series of published papers in the *Journal of Clinical Ethics*.[1552]

Table 22–47. Management of Ambiguous Genitalia

- Hormone therapy at puberty if necessary.
- Progressive, step-by-step, age-appropriate discussion of diagnosis, pathophysiology, gender, and potential for fertility with the patient from childhood through adolescence, as well as with the parents. Secrecy is unwarranted and counterproductive.
- Involve the patient in decisions about surgery and sex hormone replacement therapy.
- Provide continuing psychosocial and endocrinologic support to the patient and the family.
- Long-term follow-up data on the outcome of modern management needs to be a high priority.

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

DOCUMENTS DEPT.

JUN - 8 2004

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Regular Meeting Agenda

Thursday, June 10, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR June/July 2004

June 03
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 09
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 10
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

June 15
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 16
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

June 24
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

July 01
Employment Committee Meeting
CANCELED

July 08
HRC Regular Commission Meeting
CANCELED

July 14
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 21
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Individual Commissioner Reports on Community Activities
Discussion Item - No Attachment

REPORT OF THE DIRECTOR

5. Presentation of Chapter 12.D.A. Waiver Report for May
Discussion Item - Attachment provided
Present: M. Kanios

6. Presentation of Chapter 12.D.A. May 2004 Quarterly Report
Discussion Item - Attachment provided
Present: R. Villacarlos

7. Approval of letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life
Action Item - Attachment Provided
Present: C. Goldstein

8. HRC and CUAV co-presentation of frameline 28: The 28th San Francisco International Lesbian & Gay Film Festival: June 17-27, 2004
Discussion Item - Attachment Provided
Present: C. Goldstein

9. Approval of letter to the Police Officers Association expressing concern about their recent promotion of a Michael Savage performance
Action Item - Attachment to be provided at meeting
Present: Y. Lee

HRC DIVISION REPORT

10. Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division
Status report on the revision of employment program goals for construction contracts
Discussion Item - No Attachment
Present: E. Campos

COMMITTEE REPORTS

11. Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of May 19, 2004 Meeting
Commissioner Khadoun Baghdadi, Co-Chair
Commissioner Vernon Grigg III, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of May 18, 2004 Meeting
Commissioner Pat Norman, Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

13. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

14. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

San Francisco Administrative Code Chapters 12D.A
Sole Source Waiver Report for June 10, 2004

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of May.

1. **Granted**: Public Health requested a waiver for Toys "R" Us ($25,000) to provide a wide range of children's toys that are used as therapeutic aids for outpatient mental health clinics and rehabilitation programs of the Community Health Network.

2. **Granted**: Public Health requested a waiver for Lake Shore Learning ($25,000) to provide a wide range of children's toys that are used as therapeutic aids for outpatient mental health clinics and rehabilitation programs of the Community Health Network.

3. **Granted**: Fire Department requested a waiver for EMSAR Northern California, Inc. ($45,000) to provide equipment maintenance for various emergency and ambulance transport equipment. The manufacturer of the ambulances, Ferno-Washington, Inc. has appointed EMSAR as the only service and repair agent authorized to perform work on their equipment. The warranty would be void if any other firm performed the service.

4. **Granted**: Police Department requested a waiver for Pets Unlimited ($39,000) to provide 24-hour/7-day per week veterinarian services, both routine and emergency care for the police services dogs. No other local veterinarian provides those services on a 24-hour basis.

/mk

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (415) 252-2550
www.sfhrc.org

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Carlota Del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

DRAFT

June 10, 2004

Joe Caruso, Director
Mayor's Office of Neighborhood Services
City Hall, Room 160
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Mr. Caruso:

A recent article in the *San Francisco Chronicle* underscores the continued relevance of an issue that the Human Rights Commission raised with your predecessor nearly two years ago. After a special hearing at which the Commission took testimony on the concerns of members of San Francisco's African American community, the Commission undertook a variety of activities to address the issues raised. One such issue focused on the under-representation of African Americans and other people of color in civic life and civic leadership. The *Chronicle* article (enclosed) reports on a recently released study conducted by the Public Policy Institute of California that documents this on-going trend.

The Commission hopes that you will consider the recommendations expressed in our previous letter (also enclosed) and that you will call on our Executive Director, Virginia Harmon, if we may be of any assistance in their implementation. Fostering more diversity among those individuals interested in and capable of participating in City government will benefit us all.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

Enclosures

MAH/cg

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San Francisco
California 94102-6033

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City and County of San Francisco

Willie Lewis Brown, Jr.
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Ghada Saliba-Malouf
Chair

Larry Lee
Vice-Chair

Haig Baghdassarian
Shirley Dimapilis
Malcolm Heinicke
Wilfred Hsu
Martha Knutzen
Johnnie Rollins
Antonio Salazar-Hobson
Theresa Sparks
Charles L. Ward

September 26, 2002

Ron Vinson, Director
Mayor's Office of Neighborhood Services
City Hall, Room 160
One Carlton B. Goodlet Place
San Francisco, CA 94102

Dear Mr. Vinson:

On June 13, 2002, the Human Rights Commission held a special hearing to gather information on the concerns of members of the African American community in San Francisco. The Commission has identified several areas of focus in its effort to address some of these concerns, and we are writing to ask for your assistance in moving forward with this effort.

One of the areas we've developed centers on improving communication and outreach between community members and City government. Another area of focus concentrates on building leadership – fostering individuals interested in and capable of participating in City government. We believe San Francisco will be strengthened by better informing the African American community – and other communities – about the activities of City departments, boards, commissions and other public bodies; and about how to fully participate in City government.

The Commission has identified three ways we think your department could assist in these efforts. First, we ask that once or twice each year, your office sponsor neighborhood meetings designed to educate the public on how to access and get involved in city government. Ideally, a brochure or other communication device on this subject (available in different languages) would be developed and distributed at each of the monthly neighborhood meetings.

We understand that you already hold meetings in each district on a monthly basis. We ask that you consider taking additional measures at these meetings to educate community members about how to raise their concerns and ideas with City agencies, how to see what action is taken by the City in response, and generally how to more fully participate in civic life.

25 Van Ness Avenue
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San Francisco
California 94102-6033

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http://www.ci.sf.ca.us/sfhumanrights

Second, we ask that you consider raising the level of communication between the City and community members by increasing the use of media outlets, the internet and other sources to publicize the agenda and activities of public bodies. As it stands, it appears to be up to each department to publicize their meetings and activities. Having a more centralized oversight of the flow of this information could ensure more consistency and allow for a broadening of the use of informational outlets. In its experience administering the City's Minority/Women/Local Business Utilization Ordinance, the Human Rights Commission has developed outreach methods and resources that we'd gladly share with you.

Finally, we ask that you consider issuing grant money for the development of educational materials and/or training programs on civic leadership development; including materials targeted at particular communities and in different languages. With more information and encouragement, we may find leaders coming forward from communities currently underrepresented or not represented at all.

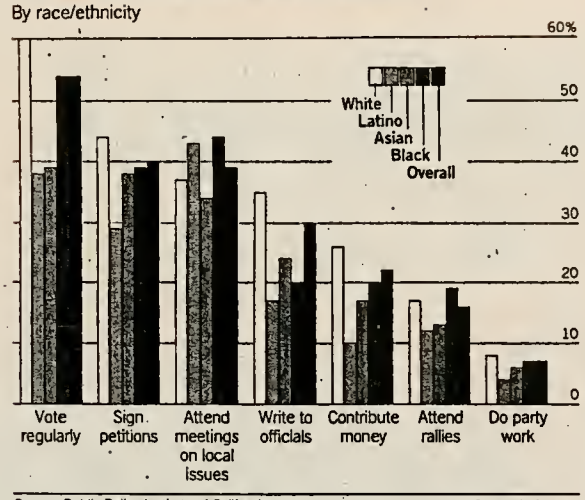
The Human Rights Commission appreciates your commitment to fostering full participation in City government. We hope you will consider our recommendations and that you will call upon the Commission's Director, Virginia Harmon, if we may be of any assistance.

Sincerely,

Ghada Saliba-Malouf
Commission Chair

Political participation in California

By race/ethnicity



Source: Public Policy Institute of California — Chronicle Graphic

SAN FRANCISCO

Study of ethnicity, civic involvement

By Cicero A. Estrella and Vanessa Hua
CHRONICLE STAFF WRITERS

California's Latino, black and Asian citizens are not only less likely to vote than whites, they also participate at a lower rate in nearly every other kind of political and civic activity, according to a study released Wednesday by the San Francisco-based Public Policy Institute of California.

If the trend continues, representation at various levels of government won't reflect the state's diverse population and whites will continue for generations to hold the greatest political influence in a state in which they no longer make up a majority, the group said.

"It means elected officials will be listening to an increasingly selective portion of the population and that an increasingly small part of the population will dictate policy," said Karthick Ramakrishnan, co-author of the study. "It could spell trouble down the road in terms of greater political polarization. It could generate a sense of disenfranchisement among nonwhites."

The study surveyed more than 5,000 Californians on their participation in civic activities. It found that non-Hispanic whites, who make up 46.7 percent of the state's population according to the 2000 census, were twice as likely as Latinos, blacks and Asians to sign petitions, write elected officials, contribute money to candidates and issues, attend rallies or volunteer for a political party..

"If we're to take full advantage of the population here, in terms of policy solution and community problem-solving, we have to do a better job of engaging the diverse citizenry of California," said Mark Baldassare, the institute's research director and study co-author.

The study's authors say nonwhites are not averse to civic activity but often find themselves out of the political loop.

"Even if socioeconomic measures of various populations are identical, you still find gaps in participation," said Ramakrishnan. "Blacks, Latinos and Asians are largely not part of the standard social and political networks that recruit people into politics."

The study also identifies immigrants as a potentially powerful political force.

The Northern California Citizenship Project in San Francisco has been working to politically engage immigrants since 1997. According to coordinator Larisa Casillas, one of the organization's greatest challenges is showing immigrants that political issues are relevant to their daily lives.

"Immigrants don't feel connected," she said. "They don't feel that their votes or actions will count, or they might distrust the system."

Dean Chu, elected to the Sunnyvale City Council in November, said immigrants often do not participate in civic life until they take care of their core needs of housing and family.

Recently, he initiated a task force that would do outreach to get more minorities involved.

Chu applauded the recent appointment of Paul Yu as president at San Jose State University.

"We need examples such as that, for minorities growing up, to show that type of job is something we can achieve," said Chu, whose sister Judy is a state assemblywoman.

"Minority leaders need to step up to the plate and take seriously our role in civic life," said Luis Arteaga, executive director of the Latino Issues Forum, a San Francisco public policy institute. "On the other side of the equation, government needs to be responsive to changing demographics."

E-mail the writers at cestrella@sfchronicle.com *and* vahua@sfchronicle.com.

frameline28

The 28th San Francisco International Lesbian & Gay Film Festival | June 17-27, 2004

LARAMIE INSIDE OUT

USA, 2004, 56 min, dir by Beverly Seckiner

LARAMIE INSIDE OUT is an achingly intimate journey into the respone of the citixens of Laramie, Wyoming to one of the most sensationalized and publicized hate crimes of the 1990's. The aftermath of the murder of Matthew Sheparrd is documented by a Laramie local as she travels back home to see how this tragedy has transformed her hometown. During her filming, an elderly lifelong resident of Laramie decides to come out, other townspeople talk about their resolve to be unapologetically queer in a potentially perilous environment, and a group of imaginiative citizens creat a wall of angels to confront dreaded hate-monger Fred Phelps and his followers when they arrive in Laramie to spew their toxic message. **LARAMIE INSIDE OUT** is testament to the bravery of small-town queers everywhere who choose to stay home and fight the good fight, where their existence is radical and changing the world.

Also fighting the good fight in the heartland are the two mothers of **WHAT'S IN A NAME?** When the moms decide to legally join their namnes to share with each other and their baby, the Midwestern town where they live refuses them. Enter a homophobic lobbying group whose sole purpose is to try to bring an end to homosexuality via lawsuits, and hat statrs as a simple request turns into a figght that gets mired in the highest courts of the state of Ohio.

WHAT'S IN A NAME?, USA, 2004, 13 min, dir by Hallie Bourne

▶ screening times:

Date: Wednesday June 23
Time: 8:15 pm
Venue: Roxie Cinema

▶ tickets on sale at:

Online: http://www.frameline.org/festival
Ticket Outlet: Superstar Satellite
474 Castro Street, San Francisco
Phone: Call 925.866.9559

▶ don't miss other related films:

Jim In Bold
USA, 2003, dir Glenn Holsten

On the Downlow
USA, 2004, dir Tadeo Garcia

▶ co-presented by:

Community United against Violence

San Francisco Human Rights Commission

For more information, please visit us at:
http://www.frameline.org/festival

Castro Theatre	Herbst Theatre	Roxie Cinema	Grand Lake Theatre	Parkway Theater
429 Castro St.	401 Van Ness	3117 16th St.	3200 Grand Ave.	1834 Park Blvd.
San Francisco	San Francisco	San Francisco	Oakland	Oakland

GET OUT AND SEE A MOVIE.

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Minutes
Regular Meeting
June 10, 2004
DRAFT

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Carlota Del Portillo
Vernon C. Grigg III
Yoel Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra Sohcot

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Acting Chair Grigg called the meeting to order at 4:50 p.m.

Commissioners Present
Carlota Del Portillo
Vernon C. Grigg III, *Acting Chair*
Yoel Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Sandra Sohcot

Commissioners Excused
Khaldoun Baghdadi
Malcolm A. Heinicke, *Chair*
Ellouise Patton

HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Marcus Arana; Ed Campos; James Fields; Cynthia Goldstein; Zula Jones; Melinda Kanios; Yong Lee; Veronica Ng and Roel Villacarlos.

Guests Present
Nan Su

Commission Secretary Delgado announced that Chair Heinicke and his wife just had a baby girl and the Chair will not be at this meeting. Commissioner Grigg will be chairing this meeting in his absence. Additionally, as per usual, the July 8 and August 12 meetings of the Human Rights Commission are canceled.

1. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Nan Su, Falun Gong practitioner, spoke about Dr. Charles Li, an American citizen and Falun Gong practitioner. Mr. Su stated that Dr. Li has been imprisoned in China for the last eighteen months and requested that the HRC agendize an item for the next meeting to send a letter to the Office of International Relations regarding sister-state relationships as well as international laws under the California State Senate, which will help bring Dr. Li home as early as possible. Mr. Su provided a handout to the Commissioners which can be found on page 12-13 herein).

Commissioner Faye Woo Lee asked what Dr. Li was charged with. Mr. Su stated that Dr. Li was charged with sabotage of the television statement and delivery of materials regarding the practice of Falun Gong.

Acting Chair Grigg asked if Dr. Li was a resident of San Francisco. Mr. Su stated that Dr. Li was a resident of Menlo Park.

4. Individual Commissioner Reports on Community Activities

Commissioner Norman reminded Commissioners that the KQED event honoring 'Local Heroes' Larry Brinkin and Cynthia Goldstein will take place next Wednesday from 6:00 to 8:30 p.m. She also noted how significant it was that the Commission held the hearing on Intersex issue at its last meeting and how by holding the hearing, the HRC had given credibility to an issue that has been ignored for too long. She noted that the HRC will be sponsoring a booth at the Pride Day Parade.

5. Presentation of Chapter 12.D.A. Waiver Report for May

Melinda Kanios (HRC Staff) presented the Commissioners with the 12.D.A. Waiver Report for the month of May.

Commissioner Kahn asked about the process of 'reasons' in granting waivers. Ms. Kanios stated that the reasons outlined in the Waiver report are what the requesting department.

Commissioner Norman asked what Waivers are. Ms. Kanios stated that the HRC's 12.D.A. program requires departments use M/W/LBEs. In the event no M/W/LBE contractor is able to provide a particular service (sole source), or the situation is an emergency and poses a threat to the citizens of San Francisco, a waiver may be granted from the Director of the HRC.

There was no public comment on this item.

6. Presentation of Chapter 12.D.A. May 2004 Quarterly Report

Roel Villacarlos (HRC Staff) stated that Chapter 12.D.A. requires the HRC to submit on a Quarterly and Annual basis the City's performance in utilizing MBEs and WBEs. In 1998, the HRC created the Diversity Tracking System, which tracks all contracting dollars in the City both on prime- and sub-contracting levels. The systems also tracks unsuccessful bidding information.

Mr. Villacarlos discussed how the City has utilized MBE/WBEs to meet the Mayor's goals, which are based on available firms and past contracts. MBE utilization is as follows: In the Architect and Engineering industry, the Mayor's goals are 29% and the City is performing at 17.4%, The Construction General Services industry's goal is 27% and the City is performing at 25.4%. The Professional Services industry's goals are met as the City is performing at 5.2%. The Professional Services, Purchasing, and Telecommunications categories have concisely performed far below the Mayor's goals. WBE goals are as follows: Architect and Engineering 14%, Construction 11%, General

Services 3%, Professional Services 7%, Purchasing 6% and Telecommunications 3%. The City is consistently under-utilizing WBEs in every industry other than General Services.

Mr. Villacarlos spoke about fiscal year trends and how the City has utilized MBE and WBE firms since 1998. Mr. Villacarlos used the Construction Industry as an example and noted that in the peak spending years of 2000 and 2001, MBE participation was at 23% and WBE participation was at 6%.

Mr. Villacarlos spoke about prime contract awards broken down by HRC certified ethnicities and used the Construction Industry as an example. African-Americans received $1.4 million, Arab-Americans received less than $100,000, Asian-Americans received $44 million, Latino-American received $153 million dollars and non-minority firms received $395 million dollars and the bulk of prime contract dollars is still being awarded to non-M/WBE firms.

Mr. Villacarlos stated that each contract awarding department is responsible for entering complete and accurate information into the Diversity Tracking System. Once dollars are encumbered at the Controllers Office, it shows in the Diversity Tracking System, allowing the HRC to see who is and isn't entering information into the Diversity Tracking System.

Commissioner Lee asked if Filipinos are categorized as Asian-Americans or Pacific Islanders. Mr. Villacarlos stated that for the purposes of this report, Filipinos are included with Asian-Americans.

Commissioner Kahn asked is there was a pattern of departments not entering information into the Diversity Tracking System and if there is anything the HRC can do to encourage those who do not. Mr. Villacarlos stated that since the inception of the Diversity Tracking System, the HRC has trained departments on how to enter their contracting into the system. Director Harmon stated that the HRC also conducts spot checks before the last disparity analysis is run to ensure the HRC has as much complete and up-to-date information as possible.

Commissioner Kahn noted that the figures displayed show a huge disparity between the contract dollars awarded in total versus contract dollars awarded to M/W/LBE firms and wondered how the HRC could affect this disparity. Director Harmon stated that gap between availability and utilization shows that discrimination in contracting exists and that is why the HRC's M/W/LBE program is in place.

Commissioner Del Portillo asked about the Certification process and asked what the Commission does or can do when departments are not entering data into the system. Mr. Villacarlos stated that the M/W/LBE Advisory Committee worked on this very issue last year by identifying the departments who were not entering their data, then sending letters to the departmental Directors, asking them to explain why the were unable to enter the data and encouraging them to enter their data into they system. Letters are

also mailed to every department before the annual report, identifying data extraction dates so their departments can be up-to-date.

Commissioner Sohcot asked about the differences in the prime award dollars and the prime payment dollars. Mr. Villacarlos stated that these dollars are reported on a real-time basis. Awarded contracts may not be complete, therefore payment dollars may only reflect partial payment on the award.

7. Approval of letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life

Cynthia Goldstein (HRC Staff) stated that a few years ago the HRC held a hearing on concerns brought to the Commission by members of the African-American community. One of the issues resulting from the hearing was the lack of participation in civic life and leadership in the African-American community and other under-represented communities, particularly communities of color. At the time, the HRC asked the Mayor's Office of Neighborhood Services (MONS) to conduct proactive work around this issue. Ms. Goldstein stated that a few weeks ago, the S.F. Chronicle reported on a study that demonstrated that this was still a significant problem here in the Bay Area and throughout California. Ms. Goldstein stated that since the City has a new administration and a new Director of Administrative Services that it would be an opportune time to forward this newspaper report and our previous letter to MONS.

Commissioner Lee MOVED to APPROVE the letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life. The motion was SECONDED (Del Portillo).

Commissioner Sohcot asked if this letter simply refers to the prior letter and its recommendations and wondered if there was any benefit to encourage more activity in the community to better learn what the obstacles are.

Commissioner Del Portillo stated that this issue was discussed when she first served on the Human Rights Commission many years ago. She stated that she would vote to approve this letter, but stated that the letter doesn't solve anything. Commissioner Del Portillo stated that there needs to be an effort where access is guaranteed. She stated she has never seen leadership develop in various communities by asking people who have the power to just talk about how once can access power. She stated that until the HRC becomes part of the process of guaranteeing access, the HRC will just continue to write letters. She stated that she has a feeling of disingenuousness if she let the Commission think that this letter will work.

Commissioner Larry Lee suggested that the HRC look at the what the Unified School District does, invite them to come to some HRC meetings and get them involved.

There was no public comment on this item.

The letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life was APPROVED by the following vote:

Ayes	7	Del Portillo, Grigg, Kahn, Lee, F.W., Lee, L., Norman, Sohcot
Noes	0	
Absent	3	Baghdadi, Heinicke, Patton

Commissioner Sohcot asked if the letter can be amended to include tonight's Commissioner discussion so that the HRC is not just requesting the same suggestions from two years ago.

Director Harmon stated that with the dismantling of affirmative-action this problem is occurring is throughout the state of California and is not a new one. Director Harmon suggested that this item be tabled for the next Commission meeting if Commissioners would like to provide additional amendments to the letter. Ms. Goldstein will incorporate any amendments and bring the amended letter back for action at a future meeting.

Commissioner Kahn MOVED to RESCIND THE PREVIOUS AFFIRMATIVE VOTE to approve the letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life and table this item for the next Commission Meeting. The motion was SECONDED (Del Portillo) and APPROVED by the following vote:

Ayes	7	Del Portillo, Grigg, Kahn, Lee, F.W., Lee, L., Norman, Sohcot
Noes	0	
Absent	3	Baghdadi, Heinicke, Patton

8. HRC and CUAV co-presentation of frameline 28: The 28th San Francisco International Lesbian & Gay Film Festival: June 17-27, 2004

Ms. Goldstein announced to the Commission that the HRC is co-presenting with Communities United Against Violence (CUAV) two films at the 28th San Francisco International Lesbian & Gay Film Festival at the Roxy Cinema on Wednesday the 23rd of June at 8:15 p.m. The first film is titles *Laremie Inside Out* and *What's In A Name*.

9. Approval of letter to the Police Officers Association expressing concern about their recent promotion of a Michael Savage performance

Yong Lee (HRC Staff), stated that HRC discovered that the Police Officers Association (POA) decided to accept and distribute 100 free tickets to the Michael Savage Uncensored event sponsored by the radio station KNEW. Mr. Lee stated that Michael Savage is a nationally syndicated radio show host who is well known for the hateful

comments that he has made about women, people of color, people with HIV and AIDS, the LGBT community and rape victims. In the past he had called Arab's 'non-human' and told one of his radio callers to 'get AIDS and go die.' While the HRC respects Mr. Savages rights to his opinions the HRC is concerned about the misconception that the City and the Police Department share and support Mr. Savage's views by accepting and distributing tickets to his show. Additionally, the Police Department is entrusted to respond to hate crimes in the City and the public's trust in the Police Department may be undermined when police officers are encouraged to attend these types of performances.

Mr. Lee stated that the letter acknowledges that the San Francisco Police Department has made many efforts and shown their commitment to preventing hate crimes in the City and County of San Francisco and also expresses the Commission's desire to continue working with the Police Department in the future to address hate-based violence.

Commissioner Norman asked that this letter be distributed to the Mayor, to the Board of Supervisors, the District Attorney's Office, the Public Defender, the Chief of Police, the San Francisco Chronicle, Bay Guardian, San Francisco Weekly, the New Bayview, the Sun Reporter, the Latino and Asian press and television studios. She stated that this action is so blatant and is quite shocking. Commissioner Norman stated that anyone who listens to this program, knows the nature and content of the program.

Commissioner Norman MOVED to APPROVE the letter to the Police Officers Association expressing concern about their recent promotion of a Michael Savage performance, including cc's and all media services in California. The motion was SECONDED (Del Portillo).

Commissioner Del Portillio said that she is happy with the letter as it is, but if she were authoring it, she would include that the police officers in any city play a significant role in helping to create an positive environment and that any attachment to anything that Michael Savage's program advocates, signifies the police officers are not meeting their responsibility to the community. She stated that taxpayers pay the police officers' salaries and police officers are not treating the citizens of San Francisco or its children, right, when they become part of the programs that promote hate.

Commissioner Kahn was concerned about sending the letter outside of the addressee and original cc's until the HRC had invited the POA to respond in some fashion before the subject is aired to the entire community.

Commissioner Faye Woo Lee found it shocking for the POA to promote this performance and suggested that the HRC also write a letter to KNEW.

Acting Chair Grigg stated that he is also troubled about this issue, but shares the concerns of Commissioner Kahn. He asked that each if the quoted statements in the letter are appropriately verified so that the HRC does not defame or slander Mr. Savage.

Additionally, Acting Chair Grigg stated the SFPD and the POA are a little convoluted as the same entity in the second paragraph in the second page. Acting Chair Grigg asked that we make this distinction very clear in the letter. Further, Acting Chair Grigg asked that after the title of the event, the letter also include a description of the event.

Commissioner Norman agreed with the need for distinction and also wanted the POA defined in the letter as a 'union,' representing the needs and concerns of their members.

Commissioner Sohcot wanted the letter to include a statement such as "since the POA is so closely associated with the police department, it connects the police department and its officers." Acting Chair Grigg stated that he wanted the letter to be clear that this is not directed at the department.

Commissioner Lee stated that he was in support of the letter, but he was opposed to calling the Police Officers Association a 'union.'

Commissioner Kahn wanted to see the letter before it went out and wondered if it is possible to have the letter distributed to all commissioners for comment before it is sent. Director Harmon stated that Commissioner voting on and approving a letter via email would violate the Sunshine Ordinance. She stated that the Commissioners have two options: make the amendments at this meeting and approve the letter with amendments or table the item for the next Commission meeting. Acting Chair Grigg stated that, given that a month has past since this event, he recommended that the Commission table this item, communicate regarding the draft, then approve the amended letter at the next Commission meeting.

Commissioner Norman stated that she wanted to approve the letter at this meeting. Commissioner Norman asked if Commissioners and Staff could communicate at all regarding the amendments to this letter. Secretary Delgado stated that the Commissioners must either amend this letter line by line in this public session, then adopt the amended letter, or table the item to receive further thoughts and amendments and return this letter for action at the next Commission meeting with proper notice to the public. Acting Chair Grigg renewed the suggestion to table this item, communicate regarding the draft, then approve the letter at the next Commission meeting.

Commissioner Sohcot asked if the Commission could adopt the letter subject to HRC staff incorporation of the suggestions from this meeting. Director Harmon stated that she understands that the Commissioners would like to strengthen the distinction between the Police Department and the Police Officers Association and that the Commissioners would like this letter to be publicized. The Director stated that the letter could be adopted subject to amendments and staff can incorporate any changes that the Commissioners would like, but asked the Commissioners to be specific about the amendments they would like to see in the letter before Commission approval.

Commissioner Norman AMENDED HER MOTION to approve the letter subject to the following conditions: Includes all suggestions of the Commissioners, the final letter be drafted by the Director in conjunction with Acting Chair Grigg to incorporate the discussed suggestions, and that the letter be widely publicized. The motion was SECONDED (Del Portillo).

Commissioner Kahn wanted to ensure that the quotes contained in this letter are properly verified. He asked that the third paragraph on the second page should read "Given the commitment of San Francisco Police Officers to the values of civic discourse and respect for all citizens that they are sworn to uphold..."

There was no public comment on this item.

The letter to the Police Officers Association expressing concern about their recent promotion of a Michael Savage performance was APPROVED by the following vote:

Ayes	7	Del Portillo, Grigg, Kahn, Lee, F.W., Lee, L., Norman, Sohcot
Noes	0	
Absent	3	Baghdadi, Heinicke, Patton

10. Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division
Status report on the revision of employment program goals for construction contracts

Ed Campos (HRC Staff) stated that he is an HRC Contract Compliance Officer at the Department of Public Works. Mr. Campos stated that the HRC is conducting a survey on the participation rates of minorities and local residents in the construction industry. This employment survey is conducted once every ten years. The Commission will be contacting construction trade unions, non-union construction trade organizations, city departments including the San Francisco International Airport, the San Francisco Re-Development Agency, San Francisco City College, UCSF and the San Francisco Port in an effort to collect statistical employment construction workforce data.

Mr. Campos stated the employment program has a set-aside of goals for minority, women and local residents. The different participation goals for minorities varies from 25% to 61.9%. Goals for woman participation is 10% and local residents is 50%. Employment Committee members are assisting on this project and hope to complete the project by the end of the year. The project schedule is as follows: Phase I: Identify the data sources; Phase II: Collecting Data; Phase III: Compiling Data; Phase IV: Analyzing Data; Phase V: Develop draft proposal which will go to the Employment Committee for adoption then to the full Commission.

11. Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of May 19, 2004 Meeting

James Fields (HRC Staff) stated that the Committee discussed its 2004 goals. The discussion resulted in the creation of two Task Forces'. The 'Unsuccessful Bidder' Task Force will look to increase the participation of small M/W/LBE businesses that have not participated in any local contracting procurement process. The Task Force will examine issues such as bonding, the availability of firms who have bid on contracts but have been unsuccessful. The 'Mentorship' Task Force will discuss suggestions and ideas on mentorship, possibly matching graduated firms with smaller firms that have not participated in the contracting procurement process of City and County contracts. Both Task Forces have met and will report at the next M/W/LBE meeting of June 18.

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of May 18, 2004 Meeting

Mr. Arana stated that the Committee began with the introduction of Commissioner Norman as the new Chair of the Committee. Staff members of the San Francisco 49ers attended the meeting to discuss an article in the San Francisco Chronicle regarding a former trainer of the 49ers who came out as gay after he left the 49ers and spoke about some of his experiences at the 49er organization. Kirk Reynolds, a representative from the 49ers stated that their organization is planning ongoing trainings and policy revisions to include all of San Francisco's protected categories in their own non-discrimination policy. The Committee is drafting a letter to the 49ers, thanking them for their visit and offering them our expertise. The Committee discussed future panels for the rest of 2004 and did final planning for the Commission's May 27 Intersex Hearing.

13. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

Acting Chair Grigg asked what could be done to provide the Commissioners with a baseline understanding of the nuances of the agency. Director Harmon stated that Staff have invited new Commissioners in for orientations and if Commissioners have further questions, they are welcome to come in at any time and staff will be happy to provide as much information to the Commission as possible about any of our programs. If the Commission wishes to have an overview of any of our programs at that Commission meeting, staff would be happy to do that as well.

Commissioner Del Portillo stated that she learns best when reading and asked that materials be sent to her. Commissioner Norman stated that she was unable to attend the Commissioner Orientations offered by HRC Staff, and would like to receive written materials.

Commissioner Kahn asked for a report on the Mayor's Budget Process and how it will affect the HRC.

Commissioner Lee asked if the HRC is out of compliance when minutes are not adopted.

Secretary Delgado stated that the approval of previous minutes were tabled per the direction of the Chair and will be brought before the Commission at a future meeting. Additionally, draft minutes are available to the public in the interim.

Commissioner Norman asked about Chair Heinicke's new baby. Secretary Delgado stated that the Chair and his wife have reported they had one night of sleep since the baby was born and that the family is healthy and happy. Commissioner Kahn stated that the 'Friends of the Human Rights Commission' has a bank account and it is his tradition to make donations in honor of happy occasions and invited any of the Commissioners to join him in making a donation to the 'Friends' in honor of the Chair's daughter.

Bayard Fong (HRC Staff) invited the Commissioners to participate in the HRC Annual Group Giants Day, including tailgate party, on July 3.

14. Adjournment

There being no further business, the meeting was adjourned at 6:43 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

June 10, 2004

Human Rights Commission
City and County of San Francisco
25 Van Ness Ave., Suite 800
San Francisco, CA 94102

Re: Request Discussion Concerning Dr. Charles Li on Next Meeting Agenda

Dear Commissioners:

I am writing to urge you voicing out your support to the rescue effort of saving Dr. Charles Li, an American citizen and a Falun Gong practitioner from the Bay Area.

Dr. Charles Li has been jailed for 18 months in China's Jiangshu Province, a province having a sister state relationship with California ever since 1985. Unfortunately other than enjoying the steady increase in trades and labor outsourcing from its golden sister state, Jiangshu Province has failed to meet the universally accepted standards of human rights practice, and has continuously treated Dr. Charles Li from its sister state in inhuman ways on a daily basis.

It will be greatly appreciated if San Francisco Human Rights Commission can send a letter to Office of International Relations, which deal with sister state relationships, as well as international laws under California State senate. Attached please find a proposed draft of the letter regarding this issue.

Sincerely,

Nan Su
3425 Cardoza Ct.
San Jose, CA 95132

(408) 254-9468

June 10, 2004

Director Ezilda Samoville
Office of International Relations
1020 N Street, Suite 516
Sacramento, CA 95814

Re: Concerns for Dr. Charles Li Jailed in China's Jiangshu Province, a Sister State of CA

Dear Director Samoville:

We are writing to request the immediate attention from the Senate to the situation of Dr. Charles Li, an American citizen who is illegally sentenced into jail in China. Dr. Li, a resident of Daly City, California, is currently jailed in Jiangshu Province, one of the sister states of California.

Dr. Charles Li, a Falun Gong practitioner from San Francisco Bay Area, went to China trying to break through Chinese regime's tight press control, and trying to let the Chinese public know the truth of the unconstitutional persecution of Falun Gong. He was detained in January 2003 in China, and sentenced to jail for three years through a quick single day unfair trial in March 2003. For the last whole year, he has been receiving inhuman treatments in jail including: forced to go to brain wash classes, continuously hand cuffed for long time up to 130 hours, forced-fed when hunger strikes, and sometimes forced to provide slave labors.

Dr. Charles Li is currently jailed in China's Jiangshu Province, a province having a sister state relationship with California ever since 1985. Unfortunately other than enjoying the steady increase in trades and labor outsourcing from its golden sister state, Jiangshu Province has failed to meet the universally accepted standards of human rights practice, and has continuously treated Dr. Charles Li from its sister state in inhuman ways on a daily basis.

There have been also many cases reported in last four years that Falun Gong practitioners from California traveling to China were illegally detained and deported.

As an American citizen from the most liberal state leading the nation and the world towards the diversity and equality, Dr. Charles Li deserves a very strong support from the legislature in the state he once resided, and will return to.

Therefore, we would like to ask the Senate to send the strongest voice to California's sister state, Jiangshu Province in China:

Free Dr. Charles Li, and allow him to return to California as a free man on the earliest date possible.

Sincerely, Yours

Cc: Jackie Speier
State Capitol, Room 2032
Sacramento, CA 95814

John Burton
State Capitol, Room 205
Sacramento, CA 95814

City and County of San Francisco
Human Rights Commission

June 24, 2004

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

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ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Individual Commissioner Reports on Community Activities
Discussion Item - No Attachment

REPORT OF THE DIRECTOR

5. Introduction of HRC Summer Interns
Discussion Item - No Attachment

6. Update on May 27, 2004 Intersex Hearing
Discussion Item - No Attachment
Present: M. Arana

7. Update on HRC Budget Update for Fiscal Year 2004-2005
Discussion Item - No attachment

8. Discussion of HRC Statement of Incompatible Activities
Discussion Item - Attachment Provided
Present: T. Delgado

REGULAR BUSINESS

9. Approval of letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life
Item continued from June 10, 2004 Meeting

Action Item - Attachment Provided
Present: C. Goldstein

10. **Approval of letter to the Police Officers Association expressing concern about their recent promotion of a Michael Savage performance**
Item continued from June 10, 2004 Meeting
Action Item - Attachment Provided
Present: L. Brinkin

11. **Approval of letter to the San Francisco 49ers regarding anti-harassment training**
Action Item - Attachment Provided
Present: L. Brinkin

HRC DIVISION REPORT

12. **Equal Opportunity (EO) Division**
Presentation the Certification Process
Discussion Item - Attachment Provided
Present: M. Cordero

COMMITTEE REPORTS

13. ***Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of June 16, 2004 Meeting***
Discussion Item - No Attachment
Commissioner Khadoun Baghdadi, Co-Chair
Commissioner Vernon Grigg III, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong

14. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of June 15, 2004 Meeting**
Discussion Item - No Attachment
Commissioner Pat Norman, Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo

15. **Issues Committee: Report of May 12 and June 09, 2004 Meeting**
Discussion Item - No Attachment
Commissioner Carlota del Portillo, Co-Chair
Commissioner Ellouise Patton, Co-Chair
Commissioner Sandra E. Sohcot, Co-Chair
Committee Staff: Carmen Hererra, Nichole Truax

16. **Employment Committee: Report of May 06 and June 03, 2004 Meeting**
Discussion Item - No Attachment
Commissioner Larry Lee, Chair
Commissioner Faye Woo Lee, Co-Chair
Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

17. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
Discussion Item - No Attachment

18. **Adjournment**

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Minutes
Regular Meeting
June 24, 2004
DRAFT

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Carlota Del Portillo
Vernon C. Grigg III
Yoel Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra Sohcot

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:46 p.m.

Commissioners Present
Khaldoun Baghdadi
Carlota Del Portillo
Vernon C. Grigg III
Malcolm A. Heinicke, *Chair*
Faye Woo Lee
Ellouise Patton
Sandra Sohcot

Commissioners Excused
Yoel Kahn
Larry Lee
Pat Norman

HRC Staff Present
Larry Brinkin, Acting Director; Toni A. Delgado, Commission Secretary; Marcus Arana; Linda Chin; Maria Cordero; Cynthia Goldstein; Carmen Herrera; Kabir Hypolite; Zula Jones; and Mary Gin Starkweather.

Guests Present
Leslie Shows (Public Comment)

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Leslie Shows read a statement from Ann Ronce as follows:

"Dear Mr. Chairman and Commissioners:

First I would like to say thank you to all of you for the exceptional valuable contribution of the Commissioners and staff of the San Francisco Human Rights Commission to the second German-American Conference Against Hate Crimes. The sponsorship of the Commission creates a solid foundation for the development of support from other groups in the U.S. And I am personally very grateful to you for that. Beyond this, a list of the specific contributions of the Commission's representatives at the conference would take us well past the dinner hour, but I do want to tell you that the German delegation was very moved by what they learned from Commissioner Patton and from Staff members Larry Brinkin, Diana Rathbone and Maria Cordero. As a result Ulrich Dovermann has begun projects to look as issues of same-sex marriage rights and environmental racism in

Germany. On the way home from Berlin, I read about the UNESCO's "Manjaneet Singh Prize for Promotion of Tolerance and Non-violence." Mr. Singh endowed this prize to honor the life and work of Mahatma Ghandi. More than anyone else I have known in two decades of work in civil and human rights, Ulrich Dovermann of Germany's Federal Agency for Civic Education embodies the spirit and commitment of Ghandi. The rules of the prize ask that nominations be made by a governmental agency or a significant non-governmental agency. Every one of the American and German participants of the Berlin conference is willing to write letters of support for the nomination of Mr. Dovermann. For many reasons, I believe this commission is the appropriate body to take the lead in the process of nominations. The main reason being the extraordinary courage and leadership that this City's Human Rights Commission has always shown I support of human rights. I hope you will vote to support this recognition of Mr. Dovermann's work. I would like ot end by saying what a pleasure it has been to be engaged with people as inspiring as all of the Commissioners and staff who have participated in both conference. I look forward to future collaborations. Thank you very much. Ann Clark Ronce"

Chair Heinicke forwarded this issue to Acting Director Larry Brinkin for further action.

4. Individual Commissioner Reports on Community Activities

Chair Heinicke stated that he has been working with Director Harmon on the budget process and the Commission will hear further on this issue at a later time. He noted that there has been no further information on the Schram case, whose outcome may affect the M/W/LBE program. He announced that he and his wife had a baby two and a half weeks ago and thanked Commissioners and Staff for all the well wishes. Chair Heinicke congratulated Larry Brinkin and Cynthia Goldstein who were awarded the KQED Local Heroes Award.

There was no public comment on this item.

5. Introduction of HRC Summer Interns

Acting Director Larry Brinkin asked the HRC summer interns to introduce themselves to the Commission.

Tara O'Neill, who interns with the LGBT division, just finished her first year at Hastings College of Law. She is originally from Boston and received her undergraduate degree from Brandeis University.

Julie Chan, who interns with the Fair Housing Unit, just finished her first year at Hastings College of Law. She is originally from Los Angeles and received her undergraduate degree from USC.

Steven Benolkin, who interns with the LGBT division, just finished his first year at UC Berkeley School of Law (Boalt Hall). He is originally from Minnesota and received his undergraduate degree from University of Minnesota.

E.J.Kim, who interns with the Certification Unit, just finished her first year at Hastings College of Law and received her undergraduate degree from U.C. Berkeley.

Lea Villegas, who interns with the Housing Unit, just finished her first year at the University of San Francisco School of Law. She is originally from New York City and received her undergraduate degree from Wesleyan University.

Chair Heinicke congratulated the interns and stated that they should feel free to contact any one of the Commissioners if they have any questions about the Commission.

Commissioner Del Portillo noted that Ms. Villegas is Puerto Rican, that many young Puerto Ricans are going into the field of law and hoped to see more Latinos, particularly Puerto Ricans coming this way.

There was no public comment on this item.

6. Update on May 27, 2004 Intersex Hearing

Marcus Arana (HRC Staff) stated that the HRC is conducting research to find out what the City can do to address the findings and recommendations that came out of the May 27, 2004 intersex hearing. Chair Heinicke hoped that the HRC could gather information on what is really going on in hospitals and counseling facilities within our jurisdiction (i.e. - what is the current debate among doctors, what types of services are and/or need to be provided, et cetera). Mr. Arana stated that the HRC has received a thesis from somebody at Stanford, which outlines aftercare follow-up on intersex practices. The HRC is still receiving information from doctors, psychologists, and people with intersex anatomies and this information will be included in the draft report to be brought to the Commission at a future meeting. Chair Heinicke asked if the work that the Commission is doing in this area could be funded by a grant or though outside sources.

There was no public comment on this item.

7. Update on HRC Budget Update for Fiscal Year 2004-2005

This item was tabled for the next Commission meeting.

8. Discussion of HRC Statement of Incompatible Activities

Toni A. Delgado (HRC Staff) presented the HRC's draft Statement of Incompatible Activities. Ms. Delgado stated that in November of 2003 the voters of SF adopted Proposition E, which requires all City departments to develop statements that identify incompatible activities. These Statements must approved by the department and submitted the Ethics Commission no later than August 1st. Ms. Delgado provided highlights of the Statement as follows:

The "Use of Departmental Resources and Prestige of Office" section prohibits the use of City time, resources, facilities, equipment or supplies for non-City purposes such as personal business, outside employment, political campaign activities, using City information for private gain, and personal use of telephones, emails, et cetera.

The "Compensation for Assistance With City Services" section states that Officers and employees may not solicit or receive anything of value from anyone other than the City for the work that they are expected to do in the normal course of HRC business (e.g.- no gifts, no money, no receiving discounts or free services from HRC clients, contractors, complainants or respondents).

The "Disclosure of Activities" section states that employees of the HRC must disclose in writing to the Director any outside employment, activity or affiliation that relates to an entity that does business with the City and poses a conflict of interest to their position or the department.

The "Act Subject to Review by the Department" discusses the prohibition of working on, engaging in, or soliciting funds for campaign activities on City Time or City premises. It also discusses the non-disclosure of confidential or privileged information for the use of private gain or interest.

The "Time Demands" section states that full-time employees may not hold outside employment for more than 20 hours per week or engage in employment or activities that requires absence from the office during the course of a normal work day. Many of the provisions in this statement are contained in the City Charter's Campaign and Government Conduct code as well as the Civil Service Rules. Ms. Delgado noted that she will present this draft to the Commission at the July 22nd meeting for Commission approval.

Commissioner Del Portillo asked how these provisions would apply to she and her husband, as the both sit on Boards and Commissions. Chair Heinicke stated that if any Commissioner has questions about potential conflicts or incompatible activities, they should contact the City Attorney's Office for advisement.

There was no public comment on this item.

9. Approval of letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life

This item was continued from June 10, 2004 Meeting

Cynthia Goldstein (HRC Staff), re-introduced to the Commission the letter to the Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life. She noted that the draft before

the Commission for approval includes the suggestions from Commissioners Sohcot and Del Portillo.

Commissioner Del Portillo stated that over the years, she has seen many Commissions send letters regarding access and hopes that the HRC could push for real access otherwise these are just nice words. She stated that leadership is not lacking in minority communities, but access is.

Chair Heinicke stated that he sees two issues. The first being community access to government and the other is community participation in government. He stated that creating access is a difficult thing, but holding hearings in the community is one way to provide access to different communities. He stated that Commissioners can provide access by availing themselves in their communities and providing direction to proper agencies or guidance when navigating City departments. He noted that former Mayor Brown reported on diversity levels on Commissions and Boards within the City and hopes that Mayor Newsom will continue this tradition.

There was no public comment on this item.

The letter to Director of Mayor's Office of Neighborhood Services outlining recommendations for increasing the participation of underrepresented people in civic life was moved (Sohcot), seconded (Patton) and APPROVED by the following vote:

Ayes	7	Baghdadi, Del Portillo, Grigg, Heinicke, Lee, F.W., Patton, Sohcot
Noes	0	
Absent	3	Kahn, Lee, L., Norman

10. Approval of letter to the Police Officers Association expressing concern about their recent promotion of a Michael Savage performance

This item was continued from June 10, 2004 Meeting

Larry Brinkin (HRC Staff), re-introduced to the Commission the letter to the Police Officers Association (POA) expressing concern about their recent promotion of a Michael Savage performance. Mr. Brinkin stated he spoke with the POA and set up a meeting to further discuss this issue and will report back to the Commission on the status of this issue. Chair Heinicke noted that HRC Commission Secretary will be working with the Mayor's Press Office to obtain or create an e-mail press list so that in the future, if an issue comes up that the HRC would like to publicize, the HRC would have the electronic resources in place.

There was no public comment on this item.

11. Approval of letter to the San Francisco 49ers regarding anti-harassment training

Larry Brinkin (HRC Staff), presented the Commission with a draft letter to the San Francisco 49ers regarding anti-harassment training for approval. The 49ers met with the LGBTAC and have already initiated a training program for their staff and players. This letter thanks the 49ers for coming to the LGBTAC meeting, for being cooperative, reminds them of their obligation as a City contractor and offers the HRC's continued service in implementing non-discriminatory training and practices. Chair Heinicke stated that he knows Dr. York and Sam Singer and knows that they are very committed to this issue.

There was no public comment on this item.

The letter to the San Francisco 49ers regarding anti-harassment training was moved (Baghdadi), seconded (Patton) and APPROVED by the following vote:

Ayes	7	Baghdadi, Del Portillo, Grigg, Heinicke, Lee, F.W., Patton, Sohcot
Noes	0	
Absent	3	Kahn, Lee, L., Norman

Commissioner Baghdadi left at 5:34. The quorum was not affected.

12. Equal Opportunity (EO) Division
Presentation the Certification Process
Maria Cordero (HRC Staff), manages the HRC's Certification Unit which processes the certification and registration of Minority, Woman and Local Owned Business Enterprises (M/W/LBEs). Ms. Cordero described the Certification process and stated that the Certification Unit is the first part of the Equal Opportunity Division with the HRC and once certified, M/W/LBE firms receive a bid discount when bidding on City contracts.

Ms. Cordero stated that in order to qualify for HRC certification a business must 1) be at least six months old; 2) be located in the City and County of San Francisco; and 3) average gross receipts for the past three years of the business must be less than $2.5 million for professional services contractors, $7 million in supplies and services, and $14 million for general building and engineering construction. A business cannot be certified if it is less than six months old; a business with offices located outside of the City of San Francisco cannot be certified, but can be registered. Registered businesses do not receive the bid discounts that certified businesses do. A business whose total gross receipts are larger than the thresholds specified in the HRC's ordinance are not considered disadvantaged and cannot be certified.

Ms. Cordero stated that in 1999, the HRC had 714 certified firms and presently there are 977 certified firms. The certification process is very elaborate and HRC Staff must thoroughly review the 14 to 26 documents submitted by the prospective certified firms. HRC Staff also perform an on-site field visit to ensure that the prospective certified firm has operational offices as well as required space (e.g. - a trucking firm must have a yard,

a manufacturing firm must have a large space to assemble and produce its product, and other required space as stipulated in the 12.D.A. Ordinance.

City contracts are awarded to the lowest responsible bidder. Local certified firms receive a 5% bid discount and Minority and Woman owned firms receive a 10% discount. These discounts cannot be combined. For example, if a Local-owned firm bid to do the work on a City contract for $100,000, on paper, the bid would look like $95,000. If the contract is awarded to the local-owned firm as the lowest responsible, they would be paid the full $100,000. HRC Staff approves a panel that reviews and scores the qualifications on bid proposals. Once the scoring is complete, the HRC then applies the bid discount. Those who score the highest get short-listed to go to the next step of awarding.

HRC Staff has a wide outreach to Chambers of Commerce, non-profit business development programs and Small Business Administration, and the HRC provides workshops on how to become certified, and once certified, how to bid for City contracts. Ms. Cordero noted that the M/W/LBE program is the only race- and gender-based program of its kind. It has been in existence since 1982 and has survived many challenges. HRC Staff whole-heartedly believes that without his program, the City's small minority and woman owned firms would not have a chance with the large competition in San Francisco.

Commissioner Sohcot asked about other certification awarding authorities and wondered why the HRC has its own certification and did not just join in with another. Commissioner Heinicke noted that HRC certification is for locality purposes. Other programs may be run by State, regional or joint powers but would not apply to the contract awarding powers within the City and County of San Francisco. Ms. Cordero also noted that the City of San Francisco is a City of Refuge and the HRC does not check the immigration status of contractors as California and the rest of the United States does. Additionally, other programs are based on the economic worth of the owner and the HRC's program is based on the gross receipts of the firm.

Commissioner Del Portillo asked that the HRC identify not only which communities are participating in the M/W/LBE program, but also which communities are successfully getting work through this program. Commissioner Del Portillo noted that many City contracts are large and only large firms will have the resources to complete these projects as well as wait six months to get paid. She asked Ms. Cordero if the HRC has been able to affect this problem. Ms. Cordero stated that the utilization of minority firms for sub-contracting in large contracts is the second part of the 12.D.A. Ordinance. The HRC reviews large contracts and sets goals for minority participation on those contracts. The prime contractor is required to meet those goals by hiring local and minority firms. Ms. Cordero noted that this information is included in the HRC Quarterly Reports that are presented to the Commission.

There was no public comment on this item.

13. Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of June 16, 2004 Meeting

This item was tabled for the next Commission meeting.

14. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of June 15, 2004 Meeting

Larry Brinkin stated that the Committee approved the 49ers letter for Commissioner consideration. The Committee had a de-briefing on the successes of the Intersex Hearing. The Committee discussed planning for the remainder of the year as well a Pride Day. Mr. Brinkin stated that the HRC booth will be on Larkin Street between McAllister and Golden Gate. There will be two petitions at the booth, one on same sex marriage and the other on domestic partner benefits in insurance companies.

Commissioner Grigg asked about the complaint that was filed against the Badlands bar in the Castro for alleged discrimination against female customers and customers of color and wondered if the LGBTAC Committee has heard this complaint yet.

Mr. Brinkin stated that the LGBT Division is handling the complaint. At the moment, the division is conducting intakes with the complainants to develop the facts and allegations. These complaints are from customers as well employees who felt they were working in an atmosphere of racism and sexism. Some of the allegations are more than a year old, which doesn't meet the statute of limitations. All allegations would be included in a letter to the owner off Badlands, who has already agreed to a mediation session.

Chair Heinicke noted that these types of complaints will not come to the Commission for any type of action, and findings or decisions are issued by the Director not by the Commission.

There was no public comment on this item.

15. Issues Committee: Report of May 12 and June 09, 2004 Meeting

Carmen Herrera (HRC Staff). At the May 12 meeting the Committee requested the Youth and Education Task Force of the Committee corroborate the statistics provided by Professor Males in his complaint to the HRC regarding the high rates of African-American juvenile arrests and incarceration in the City and County of San Francisco. Several Committee members volunteered to work on this issue with the Youth and Education Task Force. It was suggested that the Youth and Education Task Force use the HRC's *Violence in Our City* Report as a possible resource on this issue. At the June 9 meeting, several members from the District Attorney's Office, the Juvenile Probation Department and the Commission on the Status of Women were asked to participate in a discussion on the juvenile African-American arrest and incarceration rates. The members of this panel stated that a large percentage of arrests were drug related, prostitution and probation

violations. It was also noted that many juvenile females were acting under the direction of adult males who are aware that the "Three Strikes" law does not apply to juveniles. In the 2003 Juvenile Probation Department's Annual report, there were over 874 girls between the ages of 11-18 detained at the Youth Guidance Center. Less than one-fifth of those have no had prior offenses with that department. 63% of these girls were African-American, 16% were Latinas, 12% were white and 9% other were other ethnic groups. Over 40% of these girls reside outside of this county and 25% come from San Francisco's Bayview District. Between 70%-90% of these girls have experienced physical or sexual abuse. Proposed solutions to these problems were stiffer penalties for predators and buyers who use young women for profit and gain in San Francisco, more jobs, and staff that are trained to provide gender specific services and teach young women about healthy relationships. The Youth and Education Task Force will meet with the above-mentioned departments to decide which steps should be taken.

Commissioner Sohcot noted that Professor Males alleges that there is an inordinately high proportion of felony drug arrests for African-American juvenile females and it is out of proportion with statistics of drug use. The highest use of drugs is among white adult males, but even when comparing the highest statistics, the drug arrest and drug use statistics do not match. Commissioner Sohcot stated that the Committee is trying to understand the statistics that Mr. Males is proposing.

Commissioner Del Portillo stated that she learned that the penalties are much more lenient in San Francisco than in other cities and that drugs are more available and easier to be sold in San Francisco than other places. She wondered if there were more, young African-American women involved in the drug trade or were there simply more arrests of young African-American women.

Commissioner Faye Woo Lee noted that since this problem is occurring with juveniles, the relationship with their families should be considered.

Commissioner Patton noted that as a resident and non-profit organization in Bayview-Hunters Point, one of the issues is the lack of quality services and the need for core institutions in the City to provide services with and goals with sustainable outcomes.

There was no public comment on this item.

16. Employment Committee: Report of May 06 and June 03, 2004 Meeting
Linda Chin (HRC Staff) stated that at the May 6th Committee meeting, the Committee discussed plans and goals for the 2004 term. Committee members Judy Sorro with the Mission Hiring Hall and Rodney Hampton from the Young Community Developers generated a letter stating their concerns regarding employment compliance and monitoring issues. Employment Committee members also identified the need for more active communication between the HRC and community based organizations. The Committee also received a presentation from HRC Staffer Roel Villacarlos on the West

Hotel and Leland Polk Hotel on minority and women participation in the trade. These hotels are being converted to affordable senior housing. The goal for minority, woman, and local hiring for both projects is 30%. The West Hotel utilization is 69% minorities and 3.35% women. The Leland Polk Hotel utilization is 81% minorities and 22.49% women.

Ms. Chin stated that the presentation on the June 3 Committee meeting will be made by Kabir Hypolite at a future Commission meeting.

There was no public comment on this item.

17. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

18. Adjournment

There being no further business, the meeting was adjourned at 6:37 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

DOCUMENTS DEPT.

JUL 6 - 2004

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Agenda

CANCELED

Regular Meeting

Thursday, July 08, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

July 22, 2004
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR July/August 2004

July 01
Employment Committee Meeting
CANCELED

July 08
HRC Regular Commission Meeting
CANCELED

July 14
Issues Committee Meeting
CANCELED

July 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

July 21
M/W/LBE Advisory Committee Meeting
CANCELED

July 22
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

August 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 11
Issues Committee Meeting
CANCELED

August 12
HRC Regular Commission Meeting
CANCELED

August 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 18
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 26
HRC Regular Commission Meeting
CANCELED

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Regular Meeting Agenda

Thursday, July 22, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR August/September 2004

August 05
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 11
Issues Committee Meeting
CANCELED

August 12
HRC Regular Commission Meeting
CANCELED

August 17
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 18
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

August 26
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

September 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

September 14
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 15
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of April 08, 2004
   Item continued from May 13, 2004 Meeting
   Action Item - Attachment Provided
   Present: T. Delgado

5. Approval of minutes of Commission Meeting of April 22, 2004
   Item continued from May 13, 2004 Meeting
   Action Item - Attachment Provided
   Present: T. Delgado

6. Approval of minutes of Commission Meeting of June 10, 2004
   Action Item - Attachment Provided
   Present: T. Delgado

7. Approval of minutes of Commission Meeting of June 24, 2004
   Action Item - Attachment Provided
   Present: T. Delgado

REPORT OF THE CHAIR

8. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

9. Presentation of Chapter 12.D.A. Waiver Report for June
   Discussion Item - Attachment provided
   Present: M. Kanios

10. Update on HRC Budget Update for Fiscal Year 2004-2005
Discussion Item - No attachment

11. Approval of HRC Statement of Incompatible Activities
Action Item - Attachment Provided
Present: T. Delgado

REGULAR BUSINESS

12. Report on Human Rights Conference in Berlin
Discussion Item - No attachment
Present: E. Patton, L. Brinkin, M. Cordero, D. Rathbone

13. Update on letter to the Police Officers Association expressing concern about their recent promotion of a Michael Savage performance
Discussion Item - No attachment
Present: K. Baghdadi, L. Brinkin

14. Approval of letter to David Cameron in appreciation for monetary donation for intersex hearing expenses
Action Item - Attachment Provided
Present: M. Arana

15. Approval of resolution in memory of deceased LGBT Advisory Committee member Scott Campbell
Action Item - Attachment Provided
Present: L. Brinkin

COMMITTEE REPORTS

16. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

17. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

San Francisco Administrative Code Chapters 12D.A
Sole Source Waiver Report for July 22, 2004

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of June.

1. **Granted**: Water Supply & Treatment/Alameda Operations & Maintenance requested a waiver for City of Pleasanton- Dublin San Ramon Service District (DSRD), a public entity, ($45,000) to provide sewage removal services. DSRD is the only wastewater agency located in this area.

2. **Granted**: Public Health requested a waiver for Becton Dickinson ($290,000) to provide lab-testing equipment. This vendor is the only manufacturer of this equipment including: equipment using strand displacement technology for DNA probe testing, the reagents, lab supplies and disposables used in such testing.

3. **Granted**: Public Health requested a waiver for Quest Diagnostics, Inc. ($10,000) to provide phlebotomy and lab services. The Department's Sexually Transmitted Disease (STD) Control's pilot Online Syphilis testing program receives testing services from Quest Diagnostics. The Center for Disease Control funds this pilot program and Quest Diagnostics is named as a provider.

4. **Granted**: Public Health requested a waiver for Davol Inc./Davol Surgical Division ($60,000) to purchase the Hickman catheters and Marlex Mesh products. These supplies are proprietary, produced and distributed solely by this manufacturer.

5. **Granted**: Public Health requested a waiver for Baxter Healthcare Corporation ($30,000) to purchase three types of French Fogarty Balloons used in dialysis access declotting on a routing basis. These supplies are proprietary, produced and distributed solely by this manufacturer.

6. **Granted**: Public Health requested a waiver for Datascope ($80,000) to purchase approximately 25 intra aortic Balloon Catheters used in cardiological procedures. This is the sole provider of immediate bone graft material with next day access.

7. **Granted**: Public Health requested a waiver for California Transplant Services, Inc. ($45,000) to purchase Allograft Material used to fill missing bone due to tumor removal, severe fractures, or in spinal fusion procedures. This is the sole vendor for these products in the U.S.

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California 94102-6033

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8. **Denied:** Department of Children, Youth & Families requested a waiver for Regents of the University of California ($1,140,000) grant award to implement a Multidisciplinary Assessment Committee for children 0-5. This was denied because a competitive process took place.

9. **Granted**: Animal Care & Control requested a waiver for SF SPCA ($50,000) to provide free spay/neuter surgery of dogs and cats. This is the only entity willing to provide these services.

10. **Granted**: Fire Department requested a waiver for Kidde Fire Trainers, Inc. ($194,000) to provide technical and maintenance support for their Fire Trainer Y- 1000 Facility at treasure Island. The proprietary equipment is under warranty.

11. **Granted**: Controller requested a waiver for Kronos, Inc. ($110,000) to provide annual software maintenance for Time Entry Scheduling System (TESS). This proprietary product is used to collect and distribute payroll information on a more timely and accurate basis.

12. **Granted**: Animal Care & Control requested a waiver for Merial Ltd. ($9,000) to purchase rabies vaccines and feline vaccines. They are the sole source for these vaccines.

13. **Granted**: Animal Care & Control requested a waiver for Pfizer Animal Health Corporation ($8,000) to provide various antibiotics, pharmaceuticals and other medicine (Albon, Terramycin, Clavamox, Amoxi, Nemex, Rimadyl) that must be purchased directly from this sole source manufacturer.

/mk

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

HUMAN RIGHTS COMMISSION
STATEMENT OF INCOMPATIBLE ACTIVITIES
DRAFT. VERSION 4. 07-16-04

This Statement of Incompatible Activities (Statement) is required by San Francisco Campaign and Governmental Conduct Code section 3.218. This Statement does not specify every possible limitation on incompatible activities. It is intended to provide guidance to officers and employees about what types of activities are incompatible with their duties to the Human Rights Commission (HRC). Engaging in the activities identified in this Statement as incompatible may subject an officer or employee to discipline, as well as to monetary fines and penalties. (C&GC Code § 3.242.) No discipline or penalties may be imposed for engaging in incompatible activities until the officer or employee has an opportunity to explain why the activity should not be deemed incompatible. (C&GC Code § 3.218.)

Nothing in this Statement shall exempt any person from applicable provisions of other laws. Any questions about the interpretation of this Statement should be directed to the Executive Director of the Human Rights Commission.

I. GENERAL

The mission of the Human Rights Commission is to "provide leadership and advocacy to secure, protect and promote human rights for all people." The following activities are incompatible with that mission and may not be engaged in by any officers or employees of the Human Rights Commission:

~~Officers or employees of the Human Rights Commission may not:~~

i. Officers and employees may not ~~P~~participate as evaluators on City selection panels to award City grants or contracts.

ii. Officers and employees may not utilize HRC Certified or Registered businesses for personal uses without prior notification to the Executive Director *and* must only engage in services under the same terms, conditions and billing offered to the public at large.

iii. Officers and employees may not ~~D~~directly or indirectly solicit, seek, or accept personal loans, gifts, gratuities, business, compensation, or favors valued at any dollar amount that is/are not offered to the public at large under the same terms and conditions from individuals, businesses, legal entities or their agents who receive services from the City, including but not limited to complainants or respondents, non-profit agencies, contractors, sub-contractors or potential contractors, HRC certified firms or other governmental agencies.

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California 94102-6033

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iv. Officers and employees may not ~~S~~solicit or accept anything of value from any subordinate or employee, or from any candidate or applicant for a position as an employee or subordinate under him or her. S.F. C&GCC § 3.218(c).

v. Other than de minimus use (see Section II.A. herein), officers and employees may not ~~U~~use City resources, including telephone, cell phone, pager, computer, fax machine, copy machine, supplies, or time for non-City purposes.

II. USE OF DEPARTMENTAL RESOURCES AND PRESTIGE OF OFFICE

A. Use of Department Resources

i. Officers and employees may not use ~~of~~ their work hours ~~time~~, facilities, equipment or supplies of the City and County for private gain or advantage, campaign activity, or personal purposes. This provision also prohibits the use of City resources after normal business hours for personal, educational, business, campaign or other non-City purposes. Cal. Penal Code §424; Cal. Gov't Code § 8314; *Stanson v. Mott* (1970) 17 Cal.3d 206. Misuse of public resources may be punishable by two to four years imprisonment in State prison and disqualification from holding any public office in the State, as well as civil penalties.

ii. Officers and employees may not use City resources to design, produce, create, mail, send or deliver any printed greeting card that celebrates or recognizes a holiday. S.F. Campaign & Governmental Conduct Code § 3.232.

iii. Employees may not hold outside employment, including employment with another governmental agency or nonprofit organization which interferes with their duties during work hours or imposes on other City employees, such as the ~~which results~~ receipt and/or ~~of frequent~~ delivery of non-City business mail and/or packages, faxes, telephone calls or visitors by the employee while on duty at City and County employment. If an employee receives a call, ~~or~~ email, mail, package or fax relating to outside employment, the officer or employee should inform the person of the appropriate non-City contact information and conduct the ~~conversation~~ communication at another time not using City resources.

iv. ~~Officers and employees may not gather, report or publish for private gain or the advantage of another, data, studies, reports or other written materials, whether printed, microfilmed, or stated on electronic media, that were prepared on County time or which utilized in their preparation County facilities, equipment and/or materials, except when specifically authorized by the Human Rights Commission.~~ Officers and employees may not use official information, data or reports not readily available to the general public, gained in the course of City and County employment, for private gain or advantage or the gain or advantage of another.

v. ~~No calls or emails involving outside City employment are permitted on City telephones or equipment. If a call or email relating to outside employment is received, the officer or employee should inform the person of the appropriate non-~~

~~City contact information and conduct the conversation at another time not using City resources.~~
(Section II.B.v was merged to Section II.B.iii.)

Notwithstanding this prohibition, occasional use of the telephone for local calls to communicate about personal or family matters such as doctor appointments, child care, transportation arrangements, or meeting times and similar de minimus uses will not constitute a violation of this section. Cal. Gov't Code § 8314(e); Cal. Penal Code § 424(c). Should a long distance call be required by an employee to communicate about personal or family matters such as doctor appointments, child care, transportation arrangements, or meeting times and similar de minimus uses, toll charges must be identified and reimbursed to the department when the Office Manager provides the telephone billing report and requests payment for personal telephone use. ~~De minimus use of the telephone applies to local, not long distance calls.~~

B. Use of Prestige of the Office

i. Officers and employees of the Human Rights Commission may not use their City title or designation, ~~badge, uniform,~~ prestige or influence for private gain or advantage.
(Section II.B.ii was moved to Section II.A.iv. Following section renumbered as appropriate.)

ii. Officers and employees should not distribute their City business cards for any personal reason and should not use City letterhead or email for any non-City communication.

iii. Officers and employees may not present themselves in the course of an outside activity as a representative of, or acting in the name of, the Human Rights Commission without prior authorization of the Executive Director of the Human Rights Commission.

III. COMPENSATION FOR ASSISTANCE WITH CITY SERVICES

~~Officers and employees may not receive or accept anything of value from anyone other than the City for the performance of an act the officer or employee would be expected to render in the regular course of service to the Human Rights Commission~~. *(Section III.i was redundant and subsequently deleted. Following section renumbered as appropriate.)*

i. Officers and employees may not conduct consultation work for a fee or other consideration concerning ~~the application or interpretation of orders~~ any of the programs or policies of the Human Rights Commission.

ii. Officers and employees may not accept a fee for assisting in the preparation of forms, documents or reports, concerning the application or interpretation of orders of the Human Rights Commission.

Nothing in this section shall preclude the receipt of a bona fide award provided to recognize exceptional service by a City employee, and which is not provided in return for the rendering of specific services.

IV. DISCLOSURE OF ACTIVITIES

i. Employees of the Human Rights Commission shall disclose or report to the Executive Director of the Human Rights Commission in writing any outside employment and may not engage in any such employment without the permission of the Executive Director. ~~or activity where any part of his/her efforts will be subject to the approval of any other officer, employee, board, or commission of the City and County.~~

ii. Employees of the Human Rights Commission shall disclose or report to the Executive Director of the Human Rights Commission in writing if an assignment of work relates to any organization, property or activity where he/she or a member of his/her immediate family has ~~an~~ possible financial interest.

iii. ~~Employees of the Human Rights Commission shall disclose or report to the Executive Director of the Human Rights Commission in writing if he/she makes a presentation before any officer, board or commission which the Human Rights Commission represents or advises and in which the employee or a member of his/her immediate family has an interest.~~
(Section IV.iii was redundant and subsequently deleted. Following section renumbered as appropriate.)

iii. Employees of the Human Rights Commission shall disclose or report to the Executive Director of the Human Rights Commission in writing any position held in a for-profit or nonprofit entity which has received a grant or contract with the City in the past three (3) years, is currently engaged in a grant or contract with the City, or is likely to apply for a grant or contract with the City in the foreseeable future. ~~or is seeking contracts with the City and County of San Francisco.~~

V. ACTS SUBJECT TO REVIEW BY THE DEPARTMENT

Officers and employees may not engage in outside activities that are subject to the control, inspection, review, audit or enforcement of the Human Rights Commission. Employees of ~~For the~~ Human Rights Commission, ~~employees~~ may not:

i. Perform any work which may compromise or present the appearance of compromising the independence and/or objectivity of ~~an employee of~~ the Human

Rights Commission. If an employee is uncertain if the potential performance of work will compromise or present the appearance of compromise of the independence and/or objectivity of the Human Rights Commission, please discuss the matter with the Executive Director of the Human Rights Commission.

ii. Directly or indirectly solicit campaign funds from other officers or employees of the local agency or from persons on employment lists of the local agency. Cal. Gov't Code § 3205; S.F. C&GCC § 3.230(a). Employees may, during personal time and without using City resources, solicit campaign funds from the general public, which may or may not include officers or employees of the City and County of San Francisco.

iii. Engage in political activity during working hours or on City premises. S.F. C&GCC § 3.230(c). ~~For purposes of this prohibition, the term "City premises" does not include property that is made available to the public and can be used for political purposes.~~

iv. Willfully or knowingly disclose any confidential or privileged information, unless authorized or required by law to do so; or use any confidential or privileged information to advance the financial or other private interest of himself or herself or others. S.F. C&GCC § 3.228

VI. TIME DEMANDS

Employees may not engage in outside activities with time demands that would render performance of the employee's duties for the Human Rights Commission less efficient. ~~Employees may not:~~

i. Employees may not ~~P~~participate in any outside activity which interferes with the efficient performance of his/her County duties of the Human Rights Commission.

ii. Employees who work 40 or more hours per week may not ~~E~~engage in outside employment of more than 20 hours per week; or may not engage in outside activity that requires absence from the office during the regular work day on more than an occasional basis.

VII. VIOLATION OF RULES IS GROUNDS FOR DISCIPLINE

Participation in any prohibited activity by any officer or employee or failure to properly disclose outside activities as required by this Statement, after proper notification, ~~of such prohibition or failure to disclose,~~ may be cause for suspension, demotion, reprimand, transfer or removal within the provisions of the Charter of the City and County of San Francisco and the Civil Service Rules. Officers or employees needing clarification or are uncertain of their responsibilities regarding the prohibitions contained in this Statement should contact the Executive Director of the Human Rights Commission.

VIII. PENALTIES AND ENFORCEMENT

Criminal Penalties. Any person who knowingly or willfully violates any of the City's conflict of interest and governmental ethics laws shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $10,000 for each violation or by imprisonment in the County jail for a period of not more than one year in jail or by both such fine and imprisonment. C&GC Code § 3.242(a).

Civil Penalties. Any person who intentionally or negligently violates any City conflict of interest or governmental ethics law shall be liable in a civil action brought by the City Attorney for an amount up to $5,000 for each violation. C&GC Code § 3.242(b).

IX. Notification

This Statement of Incompatible Activities was adopted by the Human Rights Commission on [------insert date------] and by the Ethics Commission on [------insert date------]. Pursuant to S.F. C&GCC § 3.218(e), a copy of this statement must be provided to its officers and employees annually.

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Carlota Del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

DRAFT

July 22, 2004

Mr. David Iris Cameron
Mr. Peter Tannen
577 - 14th Street
San Francisco, CA 94103

Dear Mr. Cameron and Mr. Tannen:

I am writing on behalf of the San Francisco Human Rights Commission ("Commission") to thank you both for the very generous donation of $1,825.00 that you made to the Friends of the HRC in order to subsidize the production costs of the Commission's Public Hearing on Intersex Issues held on May 27, 2004.

During these challenging budgetary times, the Commission lacked the resources to cover costs associated with memorializing this historic event. Your donation made it possible to hire a court reporter, have a transcript of the hearing testimony prepared, and videotape the event and broadcast it on public access television. The transcripts are vital to drafting the report, upon which the Commission will base its course of action. And, the taping of the Hearing ensures not only a visual historical record of the event but also provides access for those who could not attend the hearing.

Simply put, your generous donation created a historic record with broad public access that will play a critical role in how the Commission responds to the issues raised and will allow others to do the same elsewhere. We are grateful for your help and commend you for stepping forward in a time a great monetary need and volunteering such a generous and timely gift to assist the efforts of the Commission.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

MAH/ma

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org

[DRAFT RESOLUTION honoring the life of **SCOTT CAMPBELL**; presented to HRC Commissioners for possible approval on July 22, 2004]

WHEREAS, Scott Campbell served the Human Rights Commission with distinction as a member of the Lesbian Gay Bisexual Transgender Advisory Committee from March 1, 2001 to June 19, 2004; and

WHEREAS, Scott Campbell was a member of the San Francisco Gay Men's Chorus; and

WHEREAS, Scott Campbell was a faithful member of the Most Holy Redeemer ("MHR") Parish in the Castro, where he engaged the Catholic church in educational dialogs about the dignity of LGBT relationships, performed outreach for the MHR AIDS Support Group and served the community as a cantor, soloist, member of the MHR Choir, member of the Parish Council, and outspoken supporter of the homeless outreach programs; and

WHEREAS, Scott Campbell used his vast professional and personal talents and boundless energy to help newly-disabled employees handle claims of discrimination; and

WHEREAS, Scott Campbell was an active and distinguished member of the Boy Scouts of America for 23 years and earned the rank of Eagle Scout; and

WHEREAS, Scott Campbell loved San Francisco and devoted his activism to the LGBT community in San Francisco by volunteering as a fundraiser, entertainer, and activist; and

WHEREAS, Scott Campbell's life and energies were dedicated to the achievement and preservation of human rights for all people; and

WHEREAS, Scott Campbell passed away on June 19, 2004;

NOW, THEREFORE BE IT RESOLVED, that the City and County of San Francisco Human Rights Commission expresses its appreciation for the life and

[DRAFT RESOLUTION honoring the life of **SCOTT CAMPBELL**; presented to HRC Commissioners for possible approval on July 22, 2004]

work of Scott Campbell, and for his service to the Commission and to the struggle for justice for all people; and

BE IT FURTHER RESOLVED, that the Human Rights Commissioners and staff extend our heartfelt sympathies to his partner Steve Spanjers, other family members Stan, and Diane, and the many friends of Scott Campbell who are mourning his loss.

APPROVED AS TO FORM:

MALCOLM A. HEINICKE, HRC Commission Chair

By: _____

TONI A. DELGADO, Commission Secretary

City and County of San Francisco
Human Rights Commission

August 12, 2004 (Canceled)

CANCELED

Regular Meeting

Thursday, August 12, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

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Attention!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

August 26, 2004
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

City and County of San Francisco
Human Rights Commission

August 13, 2004 (Special Meeting)

Special Meeting Agenda

Friday, August 13, 2004
10:30 a.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place

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Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. **Consideration and possible adoption of interim HRC Rules and Regulations implementing Chapter 14.A. Disadvantaged Business Enterprise Ordinance (Emergency Ordinance)**
   Action Item - Attachment to be provided at meeting

2. **Consideration and possible action to suspend HRC Rules and Regulations for Chapter 12.D.A. Minority/Woman/Local Business Enterprise Ordinance**
   Action Item - No attachment

CLOSED SESSION-CONFERENCE WITH CITY ATTORNEY-EXISITING LITIGATION-City as Defendant

3. **Motion that the Human Rights Commission convene in closed session with the City Attorney for the purpose of conferring with, or receiving advice from, the City Attorney regarding the following pending litigation filed against the City and County of San Francisco.**
   Action Item - No Attachment

   Schram Construction, Inc. v. City and County of San Francisco, et al, Superior Court of the State of California, County of San Francisco, Case No. CGC-03-421249

   The Closed Session is permitted by California Government Code Section 54956.9 (a) and Administrative Code (Sunshine Ordinance) Section 67.10 (d) (1), and discussion in open session concerning this matter would likely and unavoidably prejudice the position of the City in the pending

litigation. (City Attorney)

RECONVENE IN OPEN SESSION

4. **Vote in open session on whether to disclose no information or to disclose all or portions of the closed session discussions pursuant to Sunshine Ordinance Section 67.12(a).**
Action Item - No Attachment

REGULAR BUSINESS

5. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures
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Disability access
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Lobbyist Registration and Reporting Requirements

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Canceled

Agenda

CANCELED

Regular Meeting

Thursday, August 26, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

September 9, 2004
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR September/October 2004

September 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

September 14
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

October 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 13
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

October 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Regular Meeting Agenda

Thursday, September 9, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

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1:30pm
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HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

5. Update on City's Public Contracting Program, Chapter 14A Emergency DBE legislation
   Discussion Item - No attachment

6. Presentation of Chapter 14A Waiver Report for August
   Discussion Item - Attachment provided
   Present: M. Kanios

7. Appointment of Hearing Officer for Appeal of Denial of HRC Certification for Troy's Contracting
   Action - Attachment Provided
   Present: Director Harmon

HRC DIVISION REPORT

8. Equal Opportunity (EO) Division
   Presentation on International Cruise Terminal Development
   Discussion Item - No Attachment
   Present: P. Tom

COMMITTEE REPORTS

9. **Employment Committee: Report of June 03 and August 05 Meetings**
   Discussion Item - No Attachment
   Commissioner Larry Lee, Chair
   Commissioner Faye Woo Lee, Co-Chair
   Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

10. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of July 20 and August 17 Meetings**
    Commissioner Pat Norman, Chair
    Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo
    Discussion Item - No Attachment

11. **Approval of letter to Rutherford Publishing objecting to the inclusion of a column by Focus on the Family in the newsletter "Total Wellness"**
    Commissioner Pat Norman, Chair
    Committee Staff: Larry Brinkin, Ellise Nicholson, Domenic Viterbo
    Action Item - Attachment Provided

12. **Minority/Women/Local Business Enterprise (M/W/LBE) Advisory Committee: Report of June 16 and August 18 Meetings**
    Commissioner Khadoun Baghdadi, Co-Chair
    Commissioner Vernon Grigg III, Co-Chair
    Commissioner Yoel Kahn, Co-Chair
    Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
    Discussion Item - No Attachment

REGULAR BUSINESS

13. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
    Discussion Item - No Attachment

14. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

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City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Minority/Women/Local Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

June 30, 2004

Mr. George C. Leal
Chan, Doi & Leal LLP
595 Market Street
San Francisco, CA 94105

Mr. Troy Reese
Troy's Contracting
3206 San Bruno Avenue
San Francisco, CA 94134

Dear Mr. Leal and Mr. Reese:

This letter constitutes the Director's final written finding as required by Chapter 12D-A 16(B) and HRC Rule XVIII. We understand you have waived the opportunity to meet with the Director to be heard informally with respect to the notification of results of investigation (NORI) issued by the HRC on April 28, 2004.

BACKGROUND

1. Following an investigation conducted by the Human Rights Commission (HRC), the HRC issued a NORI to Troy's Contracting, Inc. (Troy's) on April 28, 2004 under Chapter 12D-A16(B) and HRC Rule XVIII.

2. By letter dated May 14, 2004 Troy's attorney, George Leal, contested the NORI and requested a meeting with the Director.

3. On or around May 19, 2004, Contract Compliance Officer Maria Cordero telephoned Mr. Troy Reese and spoke to him about arrangement for a meeting.

4. On May 28, 2004, Ms. Cordero telephoned Mr. Leal and left a voice mail message suggesting June 15, 2004 as the meeting date and requesting that he confirm his availability with the Director's Secretary, Ms. Sophia Simpliciano.

5. By letter dated June 4, 2004, Mr. Leal informed the HRC that Troy's declined meeting with the Director and that Troy's wanted to appeal directly to the Commission. Mr. Leal also asserted that a meeting had not been offered to his client within the time limit set forth in Rule XVIII.

HRC FINAL WRITTEN FINDING

In accordance with Section 12D.A.16(B) of the San Francisco Administrative Code, and after providing Troy's with notice and an opportunity to be heard, the Director issues the following final determination and imposes the following sanctions:

- Troy's willfully sought to defraud San Francisco's MBE/WBE Subcontracting Program under Chapter 12 D.A. by entering into a joint venture agreement and subcontracts with non-local, non-disadvantaged entities Brisbane Mechanical Company ("BMC") and F.W. Spencer & Son, Inc. ("FWS") with the intent of allowing BMC and FWS to gain MBE participation credit to which neither were entitled. In consideration for acting as a "front" for BMC and FWS, Troy's has received pay-offs from both BMC and FWS for Troy's alleged participation with BMC and FWS. Troy's, BMC and FWS did so in: (a) the performance of Bid Package 46 for plumbing, heating, ventilation and air conditioning work at the Pacific Bell Ballpark Project under the China Basin Ballpark Committee's Program In Diversity administered in compliance with Chapter 12 D.A.; (b) the performance of work on the Moscone Center Expansion Project; and (c) the performance on the San Francisco Jail Replacement Project No. 3.

- During the deposition of Troy's president and owner Troy Alexander Reese taken on May 9, 2003 by the San Francisco City Attorney's Office in the lawsuit captioned, *City and County of San Francisco v. William D. Spencer*, et. al., United States District Court, Northern District of California Case No. C02-5086 PJH, Mr. Reese testified under oath that: (a) Troy's provided minority participation for the joint venture formed between Troy's and BMC for the Pacific Bell Ballpark project; (b) Troy's received payment from BMC's owner William Spencer to do so; but (c) Troy's did nothing on that project. Mr. Reese confirmed that Troy's provided neither any labor, materials, equipment nor capital to the joint venture and Troy's was not involved in the bidding of the work. Yet, Troy's allowed BMC and its owner William Spencer to submit documentation on the Pacific Bell Ballpark project where FWS and the Troy's/BMC joint venture claimed $2,755,000 participation credit for the alleged participation of Troy's in furnishing and installing plumbing and performing clerical service for the joint venture on that Pacific Bell Ballpark project. As further support of the above, Troy's was listed by American Seating on the Pacific Bell Ballpark to seating for the project. For that work, Troy's provided work crews and submitted their own certified payroll. In contrast, for the work allegedly performed by Troy's/BMC in installing and furnishing plumbing, Angela Griffith, an administrative assistant to FWS, provided the certified payroll and other submissions for Troy's/BMC.

- After Troy's had perpetrated its fraud with FWS on the Pacific Bell Ballpark project, Troy's continued to front for FWS and its owner William Spencer by providing MBE participation on the Moscone Center Project. As part of his aforementioned deposition, Mr. Reese provided that after he had been paid off by FWS and William Spencer to hold out Troy's/BMC as a legitimate MBE joint venture on the Pacific Bell Ballpark project, FWS and Spencer then entered into a tier subcontract with Troy's to perform $1,600,000 in plumbing

work as directed and agreed to by the parties. Troy's, however, never prepared a bid for that work, nor at anytime did the parties attempt to describe or affix the scope of the work for inclusion as part of the parties' subcontract. Instead, Troy's merely provided labor for FWS with a 5% mark-up where Troy's assumed no risk for the work. In most instances, the labor utilized by Troy's were plumbers that had formerly worked for FWS; and once Troy's had billed FWS for the amount of the subcontract, many of those plumbers returned to work for FWS. During his deposition, Mr. Reese was asked repeatedly about his knowledge and familiarity with the plumbing materials Troy's had allegedly purchased for that project. In not one instance was Mr. Reese able to identify the materials and where such items were to be furnished on the project.

- Similar to the fraud Troy's, FWS and William Spencer perpetrated on the Moscone Center Project, those same parties continued with their fraudulent practices in FWS's performance of work on the San Francisco Jail Project No. 3.

- As part of his deposition, Mr. Reese again provided that FWS and Troy's entered into a tier subcontract for Troy's to perform $769,000 in finishing and installing all plumbing work under specification 15010 of the project contract. Again, Troy's never prepared a bid for that work, nor at anytime did Troy's and FWS attempt to describe or affix the scope of the work for inclusion as part of the parties' subcontract. Instead, Troy's merely provided labor for FWS with a 5% mark-up where Troy's assumed no risk for the work. Like before, the plumbers utilized by Troy's were often former employees of FWS; and once Troy's had billed FWS for the amount of the subcontract, many of those plumbers returned to work for FWS.

- In addition to the above, Troy's and FWS entered into a separate tier subcontract for Troy's to rigging and setting of equipment for $740,000. Troy's, however, had never prepared a bid for that work; and for those purchases, FWS seemingly had first procured quotes from the material and equipment suppliers. Troy's merely made the purchases arranged by FWS with Troy's receiving a 5% mark-up where Troy's assumed no risk for the work.

Pursuant to the above findings, the Director imposes the following sanctions:

1. Declares Troy's Contracting Inc. and its principal(s) non-responsive and ineligible to receive the award of any pending contract; and

2. Declares Troy's Contracting Inc. and its principal(s) an irresponsible bidder and disqualifying them from eligibility for providing goods or services to the City for a period of five years, with a right of review and reconsideration by the Commission after two years upon a showing of corrective action indicating violations are not likely to recur; and

3. Denies Troy's Contracting Inc and its principal(s) re-certification as a Local, Minority-owned business for a period of five years; and finally

4. Assesses liquidated damages in the total amount of $586,400 which constitutes 10% of total contract dollars for the projects outlined above.

REQUEST FOR APPEAL

You have requested an appeal of the HRC's decision to the Commission. Please note that Rule XIX requires the Chair of the Commission to dismiss an appeal unless the appellant provides evidence demonstrating a substantial question requiring a full hearing to determine whether the Director's determination should be overturned. You have yet to provide any evidentiary support for your assertions that the NORI is incorrect.

The Commission will consider appointment a hearing officer for your appeal at their July 22, 2004 scheduled meeting. You should therefore submit any evidence demonstrating a substantial question in this matter to the Commission Secretary Toni Delgado by July 12, 2004 so that the Commissioners have an opportunity to consider your submission. If you need an extension of time and wish the matter to be moved to a later meeting, please let us know.

If you wish to discuss this matter further, you may contact me at (415) 252-2511.

Sincerely,

Virginia M. Harmon
Director

Cc: Toni Delgado, Commission Secretary

Shared/mariacordero/appeals/trov

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Disadvantaged Business Enterprise Program
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Carlota Del Portillo
Vernon C. Grigg III
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Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

DRAFT

September 9, 2004

Ronnie Marroquin, Owner
Rutherford Publishing
1600 Lake Air Drive
Waco TX 76710

Dear Mr. Marroquin:

I am writing on behalf of the San Francisco Human Rights Commission ("Commission") to express our dismay regarding the inclusion in the Total Wellness newsletter of articles written by James Dobson, founder and director of Focus On The Family ("FOF"). Dr. Dobson and FOF are well-known, unapologetic purveyors of prejudice against lesbian, gay, bisexual, and transgender ("LGBT") communities. The primary activity and goal of Dr. Dobson's group is the eradication of homosexuality and denial of civil rights and protections for LGBT people. We believe that hate-mongering groups and individuals have no place in a publication largely directed at government employees, and we strongly urge that Dr. Dobson and FOF not be included in any future editions of Total Wellness.

Dr. Dobson and FOF were the driving political force behind Amendment 2 in Colorado, which sought to deny LGBT people the right to seek civil protections from discrimination, a measure later declared by the US Supreme Court as being unconstitutional. He has written a book called "Marriage Under Fire" which is an anti-LGBT tract posing as a political argument against LGBT marriage. The agenda of FOF includes supporting the work of Exodus and the National Association for Research and Therapy of Homosexuality ("NARTH"); in fact, many of the links posted on FOF's website lead to such groups that strive to "cure homosexuality" but actually cause psychological harm by encouraging self-hatred in LGBT people.

A co-founder and former member of FOF recognized the hateful nature of Dr. Dobson's message. In a recent public statement, Gil Alexander-Moegerle said, "I apologize to…lesbian and gay Americans who are demeaned and dehumanized on a regular basis by the false, irresponsible, and inflammatory rhetoric of James Dobson's anti-gay radio and print materials."

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Clearly, Dr. Dobson's FOF is nothing more than a hate group espousing vilification of homosexuality and intolerance. We are certain that the Klu Klux Klan or the Neo-nazis would not be allowed to publish a column in a respected government publication. Inclusion of Dr. Dobson's column in Total Wellness sends strong messages to the readership: it gives legitimacy to the hateful message of Dr. Dobson and FOF. It makes many readers including many LGBT individuals feel demeaned and personally attacked. It makes employees feel unsafe in their workplace when their employer provides publications containing writings from an author of hate literature. It appears to send a message that the City approves of and endorses Dr. Dobson's anti-LGBT ideas. It fiscally supports the work and values of an organization built on prejudice. While his writings in Total Wellness do not specifically address homosexuality per se, the mere presence of a hate group in any City publication is entirely unacceptable.

The Commission urges the immediate action of barring Dr. Dobson's column, and any submission from FOF, from Total Wellness. If Rutherford Publishing is not willing to accommodate this request, the Commission will recommend that San Francisco's Department of Public Health find another newsletter publisher.

Thank you for your assistance in this matter. Please contact staff member Larry Brinkin at 252-2510 if you have questions about this matter.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

cc: Dr. Mitchell Katz, Director of Public Health

MAH/lb

City and County of San Francisco
Human Rights Commission

September 09, 2004

Minutes

Regular Meeting

September 9, 2004

APPROVED 10-14-04

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1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:40 p.m.

Commissioners Present	*Commissioners Excused*
Malcolm A. Heinicke, *Chair*	Khaldoun Baghdadi
Faye Woo Lee	Carlota Del Portillo
Larry Lee (departed 5:43 p.m.)	Vernon C. Grigg III
Pat Norman (departed 5:43 p.m.)	Yoel Kahn
Ellouise Patton (arrived 4:55 p.m.)	
Sandra Sohcot	

HRC Staff Present

Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Larry Brinkin; Ed Campos; Linda Chin; Selormey Dzikunu; James Fields; Cynthia Goldstein; Kabir Hypolite; Veronica Ng; Mary Gin Starkweather and Preston Tom.

Guests Present

Former Commissioner Theresa Sparks.

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General

Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

There was no public comment on this item.

4. Individual **Commissioner Reports on Community Activities**

There were no individual commissioner reports on community activities.

5. Update on City's Public Contracting Program, Chapter 14A Emergency DBE legislation

Director Harmon stated that the Board of Supervisors adopted Chapter 14A the emergency DBE ordinance, which is authorized for sixty days. The HRC, the Mayor's Office and the Board of Supervisors, are working with the community to develop a new public contracting program. The next meeting will take place on September 20th at 3:00, Room 201, City Hall, and will cover best practices.

There was no public comment on this issue.

6. Presentation of Chapter 14A Waiver Report for August

Item tabled for next Commission meeting, September 24, 2004.

There was no public comment on this issue.

7. **Appointment of Hearing Officer for Appeal of Denial of HRC Certification for Troy's Contracting**

Item tabled for next Commission meeting, September 24, 2004.

There was no public comment on this issue.

8. Equal Opportunity (EO) Division
Presentation on International Cruise Terminal Development

Preston Tom stated that the Cruise Terminal project has been in the works for a number of years and ground was broken this year. Mr. Tom stated that this project contains three phases: a condominium tower, a public park, and the cruise terminal itself. Although this is a privately funded project, the HRC ordinances are not applicable, but as part of the lease agreement, the developer agreed to work with the Port and the HRC to include opportunities for MBEs, WBEs and minority employment goals.

The complete report is attached in Appendix A.

There was no public comment on this issue.

9. Employment Committee: Report of June 03 and August 05 Meetings

Kabir Hypolite, HRC Staff. Mr. Hypolite stated that the Committee's schedule has been disrupted by the court decision and how the City has adjusted to the legal ramifications. The ruling applies to Chapter 12.D and not to Chapter 12.B which allows the Employment Committee to work on its program and race and gender components are still in place. The Committee and Diana Rathbone, HRC staff, met with CBO representatives and the Director to compare San Francisco agencies and how they conduct their programs and to come up with recommendations of what the HRC can do with its limited resources. From this meeting, the HRC has decided to apply the PUC employment program to DPW, and other major contacts in an effort to create jobs for local, minority, and women residents.

Bryan Thomas, stated that Director Harmon has directed that an outreach program to work with the community to work with CBOs to place local, minority, and women residents on projects. He stated that the HRC has not had the money to fully implement this project, but the HRC's objective through the creation of this project, is to stimulate jobs.

Commissioner Lee stated that enforcement has always been a concern of his and that the HRC is not enforcing their own guidelines.

Commissioner Patton stated that the power of the Commission needs to be enhanced so that thee are consequences for not hiring local, minority, or women contractors.

Francisco da Costa. Mr. da Costa stated that the Human Rights Commission was formed because people of color, mostly blacks, were not getting jobs in the 1960's, and that in 2004, there is no enforcement of City ordinances.

Steve Zeltzer. Mr. Zeltzer stated that there is a cover up of racism in San Francisco. and asked what the HRC is doing about youth being hired? Mr. Seltzer stated that the Supervisor Ammiano and all supervisors are part of a cover up.

Willie Ratcliff. Mr. Ratcliff stated that the community is tired of the discrimination against his people, that the community has been disenfranchised and intimidated from voting, and that 91% of District 10 are being ignored.

Johnel Reddic. Mr. Reddic stated that he is a YCD trainee. The lack of enforcement of the 12.B. Ordinance has made it difficult for the local and community residents to work on the local projects funded by the City and County.

Hector Rivera. Mr. Rivera stated that he is a YCD trainee. The lack of enforcement on the 12.B. Ordinance has made it difficult for community residents to work on projects funded by the City. Mr. Rivera asked why more people from out of town are receiving these jobs rather than local residents.

Martin Abraham. Mr. Abraham stated that many black people are leaving and wondered why they are being forced out. The black community has been promised new low-income housing but are unable to get back into the property.

Commissioner Patton stated that community members can file grievances on housing or employment discrimination with the Human Rights Commission and encouraged all to take advantage of the process because once everything is documented, then these issues must be addressed.

Commissioner Lee also suggested that community members file grievances to the Housing Authority as well.

Stephen Grady. Mr. Grady stated that he is a YCD trainee. Mr. Grady stated that the problem is that the HRC is not enforcing mandated hiring goals, contractors who are awarded and completing contracts are not using good faith efforts to create hiring goals, and compliance Officers are unwilling to respond to these needs.

Louise Williams. Ms. Williams is a member of Citizens Out of Work. Ms. Williams stated there are no women on the job sites.

Judy Sorro, Mission Hiring Hall, Employment Committee member. Ms. Sorro stated that 12.B. has been in place for 20 years and no one has jobs. The HRC needs to work

Jabar Hickman, Local 22. Mr. Hickman stated that contractors are giving jobs and grants to non-U.S. citizens.

Steve Zeltzer, candidate for Supervisor. Mr. Zeltzer stated that contractors give money to local politicians and that is why laws are not enforced.

Rolando Dusuau, contractor with Local 22. Mr. Dusuau stated that contractors bring their own crews from out of town and when community members are hired, it is only to reach goals, then they are let go.

Virma Walton, HRC. Ms. Walson stated that she is working hard at the HRC and asking the questions that the community is asking as well.

Wayne Lewis. Mr. Lewis wants action and wondered why he cannot get a job in the City.

Aaron Brown stated that he is a YCD trainee. Mr. Brown stated that there is a connection between joblessness rates and crime rates and asked the HRC to look at that.

Anthony Cartwright stated that he is a YCD trainee. The lack of enforcement of the 12.B. program has made it difficult for local and community residents to work on local contracts.

Rickey Burks stated that lack of jobs equals violence, and asked the HRC to enforce local hiring goals.

Brian Baltimore asked why the HRC is not enforcing local hiring goals.

David Beede Local 22 and member of YCD, asked how local training programs can help enforce 12.B.

Louise Williams. Ms. Williams is a member of Citizens Out of Work. Ms. Williams stated that they are going to shut down job sites.

Tyrone Grigsby, representing YCD. Mr. Grigsby stated that he is thankful to YCD and stated that Commissioners have to be out in the community to fully understand.

Matt Pelayo stated that he is a YCD trainee. Mr. Pelayo stated that community employment is key to community building.

Jerome LeBrane stated that Commissioners are giving money to the Mayor to keep him going.

Vincent Cowart stated that the only way things get done in San Francisco is through protest.

Darnell Joseph stated that he is a YCD trainee. Mr. Joseph stated that it is easier to get a job if you are a black woman and he has never gotten a job.

Lydia George stated that she is in a union and on welfare with no job and no benefits and cannot find a company to journey out to.

Paul Lewis stated that he is a YCD trainee and is afraid because he is not guaranteed a job once he completes his training.

LaVert James stated that people are killing each other because HRC compliance officers are not getting them jobs.

Karla Fernandez stated that she felt she was just a number to fulfill women hiring goals. She is not able to take breaks or take care of her sick child because contractors threaten to lay her off.

Ken Nim, Visitacion Valley Jobs Education and Training (VVJET), stated that he wants to continue to work with the HRC toward solutions to this issue.

Thomas Ayatch stated that he is a YCD trainee and is not guaranteed a job and added that the police are not doing their jobs.

Willie Ratcliff. Mr. Ratcliff stated that whites will hire whites and there are no black contractors to hire blacks. Mr. Ratcliff stated gentrification is the problem.

Francisco da Costa. Mr. da Costa stated he has taken photographs and will write about people on his website.

Commissioner Norman asked what the difference was between 12.D. and 12.B.

Chair Heinicke stated that these concerns have been heard in the last few weeks since the Chapter 12.D ordinance struck down. Chair Heinicke stated that HRC was also aware that 12.D. focused on the contractors and sub-contractors but there was no guarantee that the actual jobs would end up in the communities. The HRC has heard and internalized this message and hopes to incorporate these concerns in the new ordinance.

There was no further public comment on this issue.

10. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of July 20 and August 17 Meetings

Larry Brinkin, HRC Staff, stated that the committee discussed Pride day, received updates on the Intersex hearing and report, how to organize a committee panel, the epidemic of the use of crystal meth in the gay community, LGBT immigrant issues, and the issue of racism in the LGBT community.

There was no public comment on this issue.

11. Approval of letter to Rutherford Publishing objecting to the inclusion

of a column by Focus on the Family in the newsletter "Total Wellness"

Item tabled for next Commission meeting, September 24, 2004.

There was no public comment on this issue.

12. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of June 16 and August 18 Meetings

James Fields, HRC Staff states that the Committee received an update on the status of the new interim ordinance, and the clarification that contracts advertised or awarded on or before July 26 will be enforced under Chapter 12.D.A.

There was no public comment on this issue.

13. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

14. **Adjournment**

There being no further business, the meeting was adjourned at 7:04 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, September 23, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

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HRC CALENDAR September/October 2004

September 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

September 14
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

September 23
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

October 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 13
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

October 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 20
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

5. Update on 12.B Employment Hiring Program
   Discussion Item - No attachment
   Present: Director Harmon

6. Presentation of Chapter 14A Waiver Report for August
   Continued from September 9, 2004 Meeting
   Discussion Item - Attachment to be provided at meeting
   Present: M. Kanios

7. Appointment of Hearing Officer for Appeal of Denial of HRC Certification for Troy's Contracting
   Continued from September 9, 2004
   Action - Attachment Provided
   Present: Director Harmon

8. Approval of follow-up letter to the Police Officers Association regarding initial letter sent June 24, 2004
   Action Item - Attachment Provided
   Present: L. Brinkin

HRC DIVISION REPORT

9. **Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division**
   Report on Northern California Fair Housing Coalition 25th Anniversary
   Discussion Item - No Attachment
   Present: E. Ilumin

COMMITTEE REPORTS

10. **Approval of letter to Rutherford Publishing objecting to the inclusion of a column by Focus on the Family in the newsletter "Total Wellness" (LGBTAC)**
    Continued from September 9, 2004
    Commissioner Pat Norman, Chair
    Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
    Action Item - Attachment Provided

11. **Issues Committee: Report of February September 08, 2004 Meeting**
    Discussion Item - No Attachment
    Commissioner Carlota del Portillo, Co-Chair
    Commissioner Ellouise Patton, Co-Chair
    Commissioner Sandra E. Sohcot, Co-Chair
    Committee Staff: Carmen Hererra, Nichole Truax

REGULAR BUSINESS

12. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
    Discussion Item - No Attachment

13. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco

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DRAFT

September 23, 2004

Ronnie Marroquin, Owner
Rutherford Publishing
1600 Lake Air Drive
Waco TX 76710

Dear Mr. Marroquin:

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Dr. Dobson and FOF were the driving political force behind Amendment 2 in Colorado, which sought to deny LGBT people the right to seek civil protections from discrimination, a measure later declared by the US Supreme Court as being unconstitutional. He has written a book called "Marriage Under Fire" which is an anti-LGBT tract posing as a political argument against LGBT marriage. The agenda of FOF includes supporting the work of Exodus and the National Association for Research and Therapy of Homosexuality ("NARTH"); in fact, many of the links posted on FOF's website lead to such groups that strive to "cure homosexuality" but actually cause psychological harm by encouraging self-hatred in LGBT people.

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The Commission urges the immediate action of barring Dr. Dobson's column, and any submission from FOF, from Total Wellness. If Rutherford Publishing is not willing to accommodate this request, the Commission will recommend that San Francisco's Department of Public Health find another newsletter publisher.

Thank you for your assistance in this matter. Please contact staff member Larry Brinkin at 252-2510 if you have questions about this matter.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

cc: Dr. Mitchell Katz, Director of Public Health

MAH/lb

City and County of San Francisco

Gavin Newsom
Mayor

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Disadvantaged Business Enterprise Program
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Cecilia Chung
Carlota Del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

DRAFT

September 23, 2004

Gary Delagnes
President
San Francisco Police Officers Association
800 Bryant Street, 2nd Floor
San Francisco, CA 94103

Dear Mr. Delagnes:

We received a letter from Kevin Martin, Secretary of the Police Officers Association, dated July 12, 2004, responding to our letter to you dated June 22, 2004 (copy attached). Though we appreciate Mr. Martin taking the time to write to us, we are disappointed that you, as President of the POA, chose not to respond. The Commission has tried several times to communicate with you regarding our concerns but we still have not been successful. You did not attend the meeting with Commissioner Khaldoun Baghdadi and staff person Larry Brinkin arranged through Steve Johnson. You also have failed to respond to several phone messages Mr. Brinkin left on your voice mail.

Mr. Martin's letter to us primarily discussed the fact that the POA does not restrict or censor POA members, and that officers have made strides in reducing hate crimes. We believe that both points fail to address the concerns we initially brought to you. We understand that as a government body we have no power to censor speech nor to dictate in which activities your members can participate; indeed, we have no wish to do either. However, we do have the right, and the responsibility, to communicate with you regarding our views on how association with Michael Savage might be detrimental to gaining and keeping community trust.

In our original letter to you, we cited several examples of Mr. Savage's hateful comments. Since then our letter gained his attention, and he spoke about it in his August 3, 2004 radio broadcast. He said "when you hear human rights, think gays....Think only one thing: someone who wants to rape your son....Think only someone who wants to molest your son, and send you to jail if you defend him." Though it is not pleasant to be verbally bashed,

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our greater concern is the extremely homophobic remarks he made, illustrating once again his willingness to viciously spew hate. We continue to assert to you our belief that this kind of hate speech directly influences perpetrators of hate-based violence to find the "theory" they can use to justify their practices.

We again request your cooperation in working with us to devise policies that will communicate to your members and to the public that the POA does not in any way endorse such hate. In the meeting with Commissioner Baghdadi and Mr. Brinkin, Mr. Johnson suggested the possibility of adding a disclaimer to future event announcements to the effect that the POA does not necessarily endorse the contents of the event. We thought that idea had merit, but Mr. Martin's letter does not mention that suggestion or offer any others.

We would appreciate your responding to our letter, and we also would welcome your presence at one of our regular Commission meetings, held on the second and fourth Thursday of each month at 4:30 p.m. in City Hall.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

cc: Honorable Louise Renne, President, Police Commission
Chief Heather Fong, SFPD

MAH/lb

City and County of San Francisco
Human Rights Commission

September 23, 2004

Minutes
Regular Meeting
September 23, 2004
Approved 10-14-04

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1. Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:37 p.m.

Commissioners Present	*Commissioners Excused*
Malcolm A. Heinicke, *Chair*	Vernon C. Grigg III
Khaldoun Baghdadi	Pat Norman
Cecilia C. Chung	
Carlota Del Portillo	
Yoel Kahn (departed 6:21 p.m.)	
Faye Woo Lee	
Larry Lee (departed 5:43 p.m.)	
Ellouise Patton (arrived 4:49 p.m.; departed 6:35 p.m.)	
Sandra Sohcot (departed 6:10 p.m.)	

HRC Staff Present

Cynthia Goldstein, Acting Director; Toni A. Delgado, Commission Secretary; Frank Anderson; Larry Brinkin; Maria Cordero; Ed Ilumin; and Diana Rathbone.

Guests Present

Deputy City Attorney Molly Stump

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Stan Warren, SF Building Trades Council. Regarding an HRC position announcement to fill a Contract Compliance Officer II (CCO II) position, Mr. Warren stated that the announcement read as if it were a management type position, that this position should not re quire a bachelor's degree, and asked that the announcement to be changed.

Chair Heinicke noted that the Contract Compliance Officer II is a managerial position and that the Commission has no jurisdiction over personnel issues.

Acting Chair Goldstein stated that the Contract Compliance Officer II position is one of the few managerial positions available at the HRC and the minimum qualifications are established by the Department of Human Resources.

Commissioner Larry Lee stated that 'compliance enforcement' is not included in the duties and responsibilities of the CCO II and is concerned that it means that the HRC will not be enforcing affirmative action goals. Commissioner Larry Lee also felt that the requirement of the possession of a degree makes the job more of a 'social worker' position, and if so, the HRC should change the title of the position. Commissioner Lee submitted material regarding his concerns with the HRC. *These materials can be found in Appendix A of these minutes.*

Ken Nim, Visitation Valley Jobs Education and Training (VVJET). Regarding the CCO II announcement, Mr. Nim stated that VVJET is concerned that managers will be staying in the office and contract compliance will not be done, since 'compliance enforcement' is not included in the announcement.

Eva Royale, Dolores Huerta Foundation. Ms. Royale stated that an article appeared in the San Francisco Weekly on September 15th written by Dan Seigel. Mr. Royale stated that this article promotes racial hate and contains racially derogatory terms.

Chair Heinicke referred this matter to the Issues Committee to follow up with the SF Weekly.

There was no further public comment on this item.

4. Individual Commissioner Reports on Community Activities

Chair Heinicke welcomed new Commissioner Cecilia Chung to the Commission and noted that she will be serving on the LGBT Advisory Committee.

Chair Heinicke stated that HRC Commissioners and Staff have met with the Mayor's Office, community members and stakeholders, regarding the City's contracting program. At this meeting, Director Harmon presented best practices from other Californian contracting ordinances. Another stakeholder meeting will take place on October 14 to further discuss this issue.

There was no public comment on this item.

5. Update on 12.B Employment Hiring Program

Diana Rathbone, HRC Staff, stated that while she worked at the PUC, through a Diversity Task Order, the HRC began a program to promote equal opportunity and outreach to the MBE/WBE community and cultivate community employment. The program has been a success and Director Harmon has asked that this program be launched Citywide.

Ms. Rathbone stated that she has been meeting bi-weekly the Employment Collaborative, whose members are Ray Martin for Ella Hill Hutch, Rodney Hampton from YCD and Judy Sorro from Mission Hiring Hall. This program is already being implemented on the Octavia Street Boulevard contract, and the Cruise Terminal condominiums.

Commissioner Patton stated that as a member of YCD, she knows that all CBOs have a good working relationship and share information.

Chair Heinicke asked that a full presentation on this program be made at an upcoming meeting.

There was no public comment on this item.

6. Presentation of Chapter 14A Waiver Report for August

Acting Director Goldstein presented the Chapter 14A Waiver Report for the month of August.

There was no public comment on this item.

7. **Appointment of Hearing Officer for Appeal of Denial of HRC Certification for Troy's Contracting**

Troy's Contracting re-certification was denied because the Director found that Troy's had received payment but did not perform work on several contracting projects, acting as a front.

George Leal, Troy's attorney, questioned if the HRC has the authority to process certifications or impose any penalties in light of Judge Warren's decision to enjoin the City from implementing a M/W/LBE program.

Chair Heinicke stated that he did not want to disrupt the normal chain of procedure and further delay Mr. Troy's due process.

There was no further public comment on this item.

The Appointment of a hearing officer for appeal of denial of HRC certification for Troy's Contracting was moved (Sohcot), seconded (Del Portillo) and APPROVED by the following vote:

Ayes	9	Baghdadi, Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Patton, Sohcot

Noes	0	
Absent	2	Grigg, Norman

8. Approval of follow-up letter to the Police Officers Association (POA) regarding initial letter sent June 24, 2004

Larry Brinkin, HRC Staff, stated that Mr. Delagnes of the POA has not met with or responded to the original letter sent by the HRC or any phone calls, so the HRC would like to send another letter in an attempt to discuss this issue.

There was no further public comment on this item.

The follow-up letter to the Police Officers Association regarding initial letter sent June 24, 2004 was moved (L. Lee), seconded (F. W. Lee) and APPROVED by the following vote:

Ayes	9	Baghdadi, Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Lee, L., Patton, Sohcot
Noes	0	
Absent	2	Grigg, Norman

9. Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division
Report on Northern California Fair Housing Coalition 25th Anniversary

Ed Ilumin, HRC staff, stated that the HRC was integral in the creation of the Northern California Fair Housing Coalition whose purpose is to eradicate housing discrimination through litigation, mediation, and education. The Coalition met at the HRC offices in June to celebrate its 25th anniversary. The future goals for the Coalition are outreach and education for tenants, landlords, and homebuyers.

There was no public comment on this issue.

10. Approval of letter to Rutherford Publishing objecting to the inclusion of a column by Focus on the Family in the newsletter "Total Wellness" (LGBTAC)

Larry Brinkin, HRC staff, stated that members of the City's health plan receive a newsletter entitles "Total Wellness." This newsletter contains a column written by Focus on the Family's Health Director James Dobson. Focus on the Family is known as an anti-gay organization and this letter addresses this issue.

Commissioner Baghdadi was concerned that although the article is written by an anti-

gay organization, the article contained no homophobic language. He felt that we should write a letter to the Department of Public Health informing Dr. Katz about the Focus on the Family organization, but ensure that we do not overstep the line between hate speech and free speech. Chair Heinicke stated that a letter could go out to Total Wellness just to make them aware of who Focus on the Family are.

Commissioner Chung stated that the community has been very offended by Mr. Dobson's material being circulated in a City endorsed publication.

There was no further public comment on this item.

This letter was sent back to Committee to be re-drafted to Dr. Katz and cc'd to Rutherford Publishing with a request to include LGBT friendly information, and other Commissioner comment. Moved (Heinicke), seconded (Baghdadi) and APPROVED by the following vote:

Ayes	6	Baghdadi, Chung, Del Portillo, Heinicke, Lee, F.W., Lee, L.
Noes	0	
Absent	5	Grigg, Kahn, Norman, Patton, Sohcot

11. Issues Committee: Report of February September 08, 2004 Meeting

Commissioner Sohcot stated that the Committee discussed the disproportionate arrest and incarceration rate of young African-American juvenile females, and the Board of Supervisors are now handling this issue, but the Committee is staying involved. The Committee also heard a presentation from Reginald Smith, Director of San Francisco Plan to Abolish Homelessness.

There is no public comment on this issue.

12. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

13. Adjournment

There being no further business, the meeting was adjourned at 6:46 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Regular Meeting Agenda

Thursday, October 14, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR October/November 2004

October 07
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 13
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 14
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

October 19
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 20
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

October 28
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

November 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 15
MONDAY MEETING--IN LIEU OF 11/11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 408

November 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 17
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 25
HRC Regular Commission Meeting
CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

REPORT OF THE CHAIR

4. Report of the Chair
   Discussion Item - No Attachment

5. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

APPROVAL OF MINUTES

6. Approval of minutes of Commission Meeting of September 9, 2004
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

7. Approval of minutes of Commission Meeting of September 23, 2004
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

REPORT OF THE DIRECTOR

8. Approval of resolution honoring the life of former Commissioner Vernon Alley
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

9. Presentation of Chapter 14A Waiver Report for September
   Discussion Item - Attachment provided
   Present: M. Kanios

HRC DIVISION REPORT

10. Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division
Review of HRC Mediation Process
Discussion Item - No Attachment
Present: H. Rivera-Weiss

COMMITTEE REPORTS

11. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of September 21, 2004 Meeting
Commissioner Cecilia Chung, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

12. Approval of letter to SF Weekly regarding "PUNI" column written by Dan Siegler (Issues Committee)
Commissioner Carlota del Portillo, Co-Chair
Commissioner Ellouise Patton, Co-Chair
Commissioner Sandra E. Sohcot, Co-Chair
Committee Staff: Carmen Hererra, Nichole Truax
Action Item - Attachment Provided

13. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of September 15, 2004 Meeting
Commissioner Khaldoun Baghdadi, Co-Chair
Commissioner Vernon Grigg III, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

REGULAR BUSINESS

14. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

15. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Disadvantaged Business Enterprise
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

San Francisco Administrative Code Chapter 14A
Sole Source Waiver Report for October 14, 2004

This report contains the full list of sole source waiver requests submitted to the HRC by City departments for the month of September.

No. 1: Granted: DPW requested a waiver for a one (1) month) extension of time to complete contract work with The Garden Project and Friends of the Urban Forest for volunteer tree planting services through DPW's Urban Forestry Program. $99,667.

No. 2: Granted: PUC requested a waiver SKM Systems Analysis, Inc. to provide new engineers with the proper training for electrical engineering software, SKM Power Tools for Windows. The software is proprietary and the vendor is the only firm that can provide the training. $11,000.

No. 3 Granted: PUC requested an emergency waiver MACTEC Engineering and Consulting. PUC's General Manager declared an emergency in a letter dated August 26, 2004. $267.800. MACTEC will perform a geological and geotechnical investigation, land survey and photogrammetric mapping services, prepare contract documents and provide services during construction.

No. 4 Granted: PUC requested an emergency waiver to hire contractors to perform specialized work under emergency conditions. On August 9, 2004 a wildfire burned vegetation on a step slope at Early Intake and destroyed power lines, domestic water tanks including structures and equipment. $3,200,000. The work must be completed prior to the rainy season to prevent additional damage.

No. 5 Granted: DPH requested a waiver for SwissRay America to purchase a ddR Modulaire System. The vendor is manufacturer and there are no other outside dealers or outside sales agents for the equipment. $378,087.

No. 6 Granted: DTIS requested a waiver for Metrocall Wireless SFGH owns a Metrocall server which manages all paging within hospitals, including emergency responses and public safety, such police fire and medical services. $630,000.

No. 7 Granted: Airport requested a waiver for XCI, Inc. because the vendor developed the software and provided the equipment for the proprietary Automated Vehicle Identification (AVI) system currently in use at SFIA. $25,000.

No. 8 Granted: Department of the Environment (DOE) requested a waiver for San Francisco Newspaper Association because the vendor manages 17 community newspapers which is

a key element to DOE's outreach and publicity of the department's services and environmental messages. $89,000.

No. 9 Granted: SFPD requested a waiver for Ray Sagaria Horseshoeing Service because the vendor is the only farrier that provides horseshoeing service that meets the City and SFPD mounted unit requirements. $45,000.

No. 10 Granted: SFPD requested a waiver for Artaurus Veterinary Clinic because the vendor is the only veterinary clinic that will provide service to SFPD stables in Sonoma County. $45,000.

No. 11 Granted: DPH requested a waiver for FFF Enterprises because the vendor is holding 600 vials of influenza vaccine for DPH. There is no other flu vaccine available from any other distributor. $45,000.

/jf

City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Disadvantaged Business Enterprise Program
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

COMMISSIONERS

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Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

DRAFT

0ctober 13, 2004

Mr. Troy Larkin, Publisher
SF Weekly
185 Berry, Lobby 4, 3800
San Francisco, CA 94104

Dear Mr. Larkin,

The Human Rights Commission is writing to express its deep concern over the September 15, 2004 SF Weekly column written by Dan Siegler titled "Help take back the Mission District." We are particularly concerned about the cut out survey that asks readers to "Put an X next to the groups that you want removed from the Mission..." Many of the categories listed in that section are racist and insulting. Most of the categories listed targeted Latinos and include:

- Old School Latinos
- Young vato locos
- No hablo espanolos
- Geriatric tamale sellers
- Pregnant tweenage Mexicans

On September 23, 2004, Eva Royale, Development Director of the Dolores Huerta Foundation brought this issue before the HRC. She stated that SF Weekly should be held accountable for its use of racial slurs as well as its use of derogatory terms towards Latinos.

Furthermore, on September 24, 2004, a coalition of Mission District members, and representatives from La Raza Lawyers Association, San Francisco Hispanic Chamber of Commerce, Lower 24th Street Association, Latino Steering Committee, Hispanic Contractors Association, Mission Merchants Association, Mission Neighborhood Centers, Mission Education Project, and SEIU Latino Caucus held a press conference on the steps of City Hall in order to protest the racist stereotypes used in Mr. Siegler's column.

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This column promotes racial hate and has enraged many Latino individuals and groups, especially since it was published close to Mexican Independence Day, several Latin American Celebrations, and during the Hispanic Heritage month. HRC is the department of the City and County of San Francisco that administers and enforces San Francisco's anti-discrimination ordinances. HRC has years of experience in resolving community disputes and issues involving discrimination. HRC would like to meet with you to discuss this matter and urges SF Weekly to issue an apology. We look forward to receiving a response to our letter. If you have any questions in reference to this request, please contact Carmen Herrera, HRC, at 415-252-2516.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

cc Scott Tobias, New Times, President and Chief Operating Officer
Jim Larkin, New Times, Chairman and Chief Executive Officer
John Mecklin, Editor, SF Weekly Editor
Dan Siegler, Columnist, SF Weekly
Eva Royale, Development Director, Dolores Huerta Foundation

MAH/ntt

City and County of San Francisco
Human Rights Commission

October 14, 2004

Minutes
Regular Meeting
October 14, 2004

Approved 10-28-04

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Call to Order and Roll Call

Chair Heinicke called the meeting to order at 4:34 p.m.

Commissioners Present	Commissioners Excused
Malcolm A. Heinicke, *Chair*	Khaldoun Baghdadi
Cecilia C. Chung	Vernon C. Grigg III
Carlota Del Portillo	Larry Lee
Yoel Kahn	Pat Norman
Faye Woo Lee	
Ellouise Patton	
Sandra Sohcot	

HRC Staff Present

Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Marcus Arana; Larry Brinkin; James Fields; Carmen Herrera; Zula Jones; Melinda Kanios; and Hadas Rivera-Weiss.

Guests Present

Deputy City Attorney Molly Stump

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

There was no public comment on items not on the agenda.

4. Report of the Chair

Chair Heinicke stated that he, Commissioner Kahn, Director Harmon and HRC staff attended a stakeholders meeting with the Mayor's Office to discuss the new contracting ordinance. The next stakeholders meeting will take place on October 25th at 3:00pm where the HRC and the Mayor's Office will receive input from the community. Chair Heinicke stated that there is strong community support for the HRC and its continued implementation of the City's contracting program.Deputy City Attorney Molly Stump informed the Chair that the Court of Appeals denied the City's request to stay the injunction, therefore the 12.D.A. ordinance will remain enjoined.There was no public comment on this item.

5. Individual Commissioner Reports on Community Activities
Commissioner Faye Woo Lee stated that the Chinese American Alliance has endorsed HR 3847 to end the racial profiling act of 2004.

Commissioner del Portillo stated that City College, Phelan Campus, celebrated the installation of a 12-ton replica of Rita Callow and garden. Commissioner del Portillo also stated that the community is upset about the SF Weekly article.

Marcus Arana, HRC Staff, stated that the Board of Supervisors will present a resolution to the community and declare October 26, 2004 the first annual Intersex Awareness Day.

Commissioner Chung stated that on October 1, the LGBT community marched from the community center into Castro regarding racism within the LGBT community. A new non-profit in San Francisco called The "AIDS Housing Alliance" had their first town hall presentation to assist people with disabilities and to educate them to find below market value housing in the City. Tonight at LGBT Center at 7:00 p.m., there will be a Harvey Milk fundraiser to put the statue of Supervisor Harvey Milk back into City Hall.

There was no public comment on this item.

6. Approval of minutes of Commission Meeting of September 9, 2004There was no public comment on this item.The approval of minutes of commission meeting of September 9, 2004 were moved (Del Portillo), seconded (Sohcot), and APPROVED by the following vote:

Ayes	7	Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Patton, Sohcot
Noes	0	
Absent	4	Baghdadi, Grigg, Lee, L., Norman

7. Approval of minutes of Commission Meeting of September 23, 2004Commissioner Kahn noted that "Acting Chair" Goldstein should be "Acting Director" Goldstein.

There was no public comment on this item.With the above correction, the approval of minutes of commission meeting of September 23, 2004 were moved (Del Portillo),

seconded (Kahn), and APPROVED by the following vote:

Ayes	7	Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Patton, Sohcot
Noes	0	
Absent	4	Baghdadi, Grigg, Lee, L., Norman

8. Approval of resolution honoring the life of former Commissioner Vernon AlleyCommission Secretary Delgado presented the resolution honoring the life of former Commissioner Vernon Alley. Ms. Delgado stated that Mr. Alley was very well known and well liked throughout the San Francisco community, he worked to integrate black and white musicians, and was very involved in protesting the employment discrimination that took place in the 1960's in Auto Row and the Sheraton Palace. Mr. Alley recently passed away and Ms. Delgado would like to send this resolution to his family.

Chair Heinicke wanted to confirm the Mayor who appointed Mr. Alley and also add another whereas that included the work outside of the Commission that Ms. Delgado included in her presentation.

There was no public comment on this item.The approval of the resolution honoring the life of former Commissioner Vernon Alley was moved (Del Portillo), seconded (Sohcot), and APPROVED by the following vote:

Ayes	7	Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Patton, Sohcot
Noes	0	
Absent	4	Baghdadi, Grigg, Lee, L., Norman

9. Presentation of Chapter 14A Waiver Report for SeptemberMelinda Kanios (HRC Staff) presented the Commissioners with the Chapter 14A Waiver Report for September.

Commissioner Sohcot asked about the cost of item 1. James Fields (HRC Staff) stated that the value noted on the report for the one month extension is not the cost for one month, but for the life of the waiver. The waiver was only to extend the project one month, not raise the dollar value.

There was no public comment on this item.

10. Lesbian Gay Bisexual Transgender & HIV (LGBTH) Division Review of HRC Mediation Process

Hadas Rivera-Weiss (HRC Staff) presented a review of the HRC's mediation process. The HRC as third party mediations is to help facilitate a discussion and help the parties come to a mutually agreeable resolution. HRC staff sometimes mediate through a series of phone calls to both parties. HRC staff also provide face to face mediations. There are four parts to mediations: the introduction which creates a tone and creates an environment for successful dialogue; opening statements provides each party an opportunity to present their story uninterrupted; the third

part of the mediation is discussion where the parties engage in dialogue to resolve the complaint; the last part of mediation is resolution. Sometimes it is not possible to come to a resolution face to face, at which time the parties are separated and HRC staff will work with each party to come to an amicable settlement. In the LGBTH Divisions, approximately 10-12 formal mediations are done every year, but informal negotiations are conducted more routinely. If a settlement is not reached, the HRC will begin an investigation by interviewing witnesses, requesting and reviewing documents. The Director will then issue a finding of discrimination or non-discrimination, which becomes public record.There was no public comment on this item.

11. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of September 21, 2004 Meeting

Larry Brinkin (HRC Staff) stated that the Committee welcomed new Committee Chair and Commissioner Cecilia Chung. The Committee held a panel on the problem of crystal meth use in the LGBT Community and discussed ways in which the HRC can help support other departments to respond to this issue.

There was no public comment on this item.

12. Approval of letter to SF Weekly regarding "PUNI" column written by Dan Siegler (Issues Committee)

Commissioner Sohcot presented the Commission with a letter to the SF Weekly regarding "PUNI" column written by Dan Siegler that offended the Latino community. This letter asked the SF Weekly for an apology as well as an opportunity to further discuss this issue.Commissioner del Portillo suggested that people in the community write to the advertisers in the paper and express their unhappiness with the SF Weekly and ask them to not continue placing ads with the paper or boycott the businesses, adding that the only way to effect the SF Weekly is through their pocketbook.

There was no public comment on this item.The approval of the resolution honoring the life of former Commissioner Vernon Alley was moved (Del Portillo), seconded (Sohcot), and APPROVED by the following vote:

Ayes	7	Chung, Del Portillo, Heinicke, Kahn, Lee, F.W., Patton, Sohcot
Noes	0	
Absent	4	Baghdadi, Grigg, Lee, L., Norman

13. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of September 15, 2004 Meeting

James Fields (HRC Staff) stated that the Committee has been providing input on the creation of a new and permanent DBE ordinance. HRC Staff, Contract Compliance officers and the Director have been providing the Mayor's office and other stakeholders with the changes between Chapter 12.D. and Chapter 14A. The Committee will meet next on October 20th.

There was no public comment on this item.

14. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda items.

15. AdjournmentThere being no further business, the meeting was adjourned at 5:54 p.m.

*** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary ****

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

SF
180
#1
10/28/04

Regular Meeting Agenda

Thursday, October 28, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

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ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR November/December 2004

November 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 15
MONDAY MEETING--IN LIEU OF 11/11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 408

November 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 17
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 25
HRC Regular Commission Meeting
CANCELED

December 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

December 14
LGBT Advisory Committee Meeting
CANCELED

December 15
M/W/LBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 23
HRC Regular Commission Meeting
CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of October 14, 2004
   Action Item - Attachment to be provided at meeting
   Present: T. Delgado

REPORT OF THE CHAIR

5. Report of the Chair
   Discussion Item - No Attachment

6. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

7. Approval of resolution honoring the San Francisco Fine Arts Museums and Commission for their contribution to increase awareness of the Mayan culture, history, and race
   Action Item - Attachment to be provided at meeting

8. Approval of resolution honoring Nobel Laureate Rigoberta Menchú for her efforts to increase awareness of the Mayan culture, history, and race
   Action Item - Attachment to be provided at meeting

HRC DIVISION REPORT

9. **Equal Opportunity (EO) Division**
   Update on Chapter 14A Stakeholder Meetings
   Discussion Item - No Attachment

COMMITTEE REPORTS

10. **Approval of letter to Rutherford Publishing objecting to the inclusion of a column by Focus on the Family in the newsletter "Total Wellness" (LGBTAC)**
    Continued from September 23, 2004
    Commissioner Cecilia Chung, Co-Chair
    Commissioner Pat Norman, Co-Chair
    Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
    Action Item - Attachment to be provided at meeting

11. **Issues Committee: Report of October 13, 2004 Meeting**
    Discussion Item - No Attachment
    Commissioner Carlota del Portillo, Co-Chair
    Commissioner Ellouise Patton, Co-Chair
    Commissioner Sandra E. Sohcot, Co-Chair
    Committee Staff: Carmen Hererra, Nichole Truax

12. **Employment Committee: Report of October 7, 2004 Meeting**
    Discussion Item - No Attachment
    Commissioner Larry Lee, Chair
    Commissioner Faye Woo Lee, Co-Chair
    Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather

REGULAR BUSINESS

13. **Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items**
    Discussion Item - No Attachment

14. **Adjournment**

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

The Human Rights Commission (HRC) considers resolutions and actions, most of which have been the subject of hearings before the standing committees of the HRC at which members of the public are urged to testify. HRC procedures do not permit: 1) persons in the audience to vocally express support or opposition to statements by Commissioners or by other persons testifying; 2) ringing and use of cell phones, pagers and similar sound-producing electronic devices, (Violators may be removed from the meeting room.); and 3) signs to be brought into the meeting or displayed in the room.

Citizens are encouraged to testify at HRC Meetings and to write letters to the HRC and to its members: 25 Van Ness Avenue, Suite 800, San Francisco, CA 94102. Agendas are available on the internet at www.sfhrc.org. THE AGENDA PACKET IS AVAILABLE AT THE HRC MAIN OFFICE, 25 VAN NESS AVENUE, SUITE 800, RECEPTION DESK. Requests for language translation at a meeting must be received no later than noon the Friday before the meeting. Contact the Commission Secretary at 415-252-2500.

Disability access

The Regular Commission Meeting is in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place. The meeting room is wheelchair accessible. The closest accessible BART Station is Civic Center, three blocks from City Hall. Accessible MUNI lines serving this location are: #47 Van Ness, and the #71 Haight/Noriega and the F Line to Market and Van Ness and the Metro stations at Van Ness and Market and at Civic Center. For more information about MUNI accessible services, call 923-6142. There is accessible parking in the vicinity of City Hall at Civic Center Plaza and adjacent to Davies Hall and the War Memorial Complex.

The following services are available when requests are made by noon of the Friday before the meeting. This advance notice will help ensure availability: American Sign Language interpreters, use of a reader during a meeting, assistive listening device, or large print copy of agenda or minutes in alternative formats. Accessible seating for persons with disabilities can be made available. Following a meeting, meeting proceedings can be made available in alternative formats. To make arrangements or for information, contact Toni A. Delgado, 252-2500 (Voice) or 252-2550 (TDD).

In order to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products.

Know Your Rights Under the Sunshine Ordinance

Government's duty is to serve the public, reaching its decision in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

For information on your rights under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact Donna Hall by mail to Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102, by phone at (415) 554-7724, by fax at (415) 554-5784 or by email at Donna.Hall@sfgov.org

Citizens may obtain a free copy of the Sunshine Ordinance by contacting Ms. Hall or by printing Chapter 67 of the San Francisco Administrative Code on the Internet, at http://www.sfgov.org/sunshine.htm

Lobbyist Registration and Reporting Requirements

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code Sec. 2.100] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness Avenue, Suite 3900, San Francisco, CA 94102; telephone (415) 581-2300; fax (415) 581-2317; web site www.sfgov.org/ethics

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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SAN FRANCISCO
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Minutes
Regular Meeting
October 28, 2004
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City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia C. Chung
Carlota Del Portillo
Vernon C. Grigg III
Yoel Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra Sohcot

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Acting Chair Baghdadi called the meeting to order at 4:37 p.m.

Commissioners Present	*Commissioners Excused*
Khaldoun Baghdadi, *Acting Chair*	Vernon C. Grigg III
Cecilia C. Chung	Malcolm A. Heinicke, *Chair*
Carlota Del Portillo (arr. 4:46 pm)	Yoel Kahn
Faye Woo Lee	Larry Lee
Pat Norman	Ellouise Patton
Sandra Sohcot	

HRC Staff Present
Larry Brinkin, Acting Director; Toni A. Delgado, Commission Secretary; Marcus Arana; Larry Brinkin; James Fields; Carmen Herrera; Zula Jones; and Veronica Ng.

Guests Present
Deputy City Attorney Molly Stump

A quorum was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

Mani Mitchell, intersex person from New Zealand. Mani Mitchell provided written testimony to the HRC Intersex Hearing, is looking forward to the report, and thanked the HRC for this groundbreaking work.

There was no further public comment on this item.

4. Approval of minutes of Commission Meeting of October 14, 2004

Commissioner Sohocot noted that there is a duplication under item 12. Commission Secretary Delgado noted the correction.

There was no public comment on this item.

With the above-mentioned changes, the approval of minutes of commission meeting of September 9, 2004 were moved (Del Portillo), seconded (F. W. Lee), and APPROVED by the following vote:

Ayes	6	Baghdadi, Chung, Del Portillo, Lee, F.W., Norman, Sohcot

Noes	0	
Absent	5	Grigg, Heinicke, Kahn, Lee, L., Patton

5. Report of the Chair

Acting Chair Baghdadi stated that he has been attending the stakeholders meetings regarding a new HRC DBE legislation and the next meeting will be November 4.

Commission Secretary Delgado noted that the second and fourth Thursdays of November are City holidays, therefore no Commission meetings will take place on those dates. In lieu of the November 11th meeting, a meeting has been scheduled for Monday, November 15, at 4:30 p.m., in Room 408.

Commission Secretary Delgado also noted that former HRC Staffer and Army National Guard Reservist. Romulus Asenloo has been called to active duty. A luncheon will be held in his honor on November 4th, hosted by the Re-Development Agency if any Commissioners wish to attend.

6. Individual Commissioner Reports on Community Activities

There was no individual Commissioner reports on community activities.

7. Approval of resolution honoring the San Francisco Fine Arts Museums and Commission for their contribution to increase awareness of the Mayan culture, history, and race

- and -

8. Approval of resolution honoring Nobel Laureate Rigoberta Menchú for her efforts to increase awareness of the Mayan culture, history, and race

Commission Secretary Delgado presented the Commissioners with two draft resolutions for approval. The first resolution honors the San Francisco Fine Arts Museums for their current exhibition of the "Courtly Maya" and for their sponsorship of Rigoberta Menchu Tum, nobel laureate and most famous living Maya, to travel to San Francisco and speak at this exhibition. The second resolution honored the life and work of Rigoberta Menchu Tum.

Commissioner del Portillio encouraged all Commissioner to attend this exxhibition. Commissioner del Portillio also ecnouraged all to meet Rigoberta Menchu Tum, stating that she is an incredible and magnificent individual.

There was no public comment on this item.

The approval of the resolution honoring the San Francisco Fine Arts Museums and Commission for their contribution to increase awareness of the Mayan culture, history, and race -AND- the resolution honoring Nobel Laureate Rigoberta Menchú for her efforts to increase awareness of the Mayan culture, history, and race were moved (Del Portillo), seconded (F. W. Lee), and APPROVED by the following vote:

Ayes	6	Baghdadi, Chung, Del Portillo, Lee, F.W., Norman, Sohcot
Noes	0	
Absent	5	Grigg, Heinicke, Kahn, Lee, L., Patton

9. Equal Opportunity (EO) Division
Update on Chapter 14A Stakeholder Meetings

Veronica Ng (HRC Staff) stated that the Mayors Office and the Baord of Supervisors have been hoolding open meetings to discuss possibilities for new legislation replacing the interim ordinance, discuss the high cost of doing business in San Francisco, and non-discrimination in City contracting.

The meetings have been attended by small, disabled, women- and minority-owned businesses, trade associations, and advocacy groups. Also in attendance were the Samll Business Commission, the Office of Contract Administration, the Mayor's Office on Disability, the Controller's Office, the Department on the Status of Women, the City Attorney's Office, aides to Supervisors Ma and Ammiano, Mayor's Office Chief of Staff Steve Kawa, HRC Commissioners, Director, and Staff.

At the August 19th stakeholders meeting, the HRC was requested to prepare a review of best practice3s of various municipal contract compliance programs.

At the September 20th meeting, the HRC presented the best practices. On October 14th, best practices were further discussed and Mr. Kawa directed all interested parties to submit any proposals or recommendations by October 25th.

At the October 25th meeting, a proposal was submitted by the Coalition for Economic Equity and discussed at length. It was suggested that the Coalition meet with the City Attorney prior to the next meeting on November 4, 2004 at 3:00 p.m. Everyone who has an interest in this process is encouraged to attend and share their views.

Acting Chair Baghdadi stated that there exists frustration regarding recommendations for the new legislation from both the DBE Advisory Committee and those who participate in the stakeholders meetings. Acting Chair Baghdadi stated that members are working toward bridging communication.

10. Approval of letter to Rutherford Publishing objecting to the inclusion of a column by Focus on the Family in the newsletter "Total Wellness" (LGBTAC)

Acting Director Larry Brinkin noted that the letter is addressed to Dr. Katz of DPH, not Rutherford Publishing. Mr. Brinkin noted that the first presentation of this letter to the Commission was drafted to Rutherford Publishing regarding the inclusion of a column by Focus on the Family, a well known homophobic organization. At the request of the Commission, the LGBTAC Committee reformatted the letter and addressed it to Dr. Katz, Director of the Department of Public Health. This letter informs that Dr. Katz that Focus

on the Family is widely known as a homophobic organization and suggests the many other health newsletters that exist that Dr. Katz may choose to subscribe to instead.

Acting Chair Baghdadi noted that this letter was outstanding and a very constructive approach.

There was no public comment on this item.

The approval of letter to Rutherford Publishing objecting to the inclusion of a column by Focus on the Family in the newsletter "Total Wellness" was moved (Sohcot), seconded (Chung), and APPROVED by the following vote:

Ayes	6	Baghdadi, Chung, Del Portillo, Lee, F.W., Norman, Sohcot
Noes	0	
Absent	5	Grigg, Heinicke, Kahn, Lee, L., Patton

11. Issues Committee: Report of October 13, 2004 Meeting

Commissioner Sohcot stated that the Issues Committee approved a letter to the SF Weekly regarding a racially offensive comic that appeared in the newspaper. Commissioner Sohcot noted that the SF Weekly responded to the letter in the form of an article. The Editor of the SF Weekly was concerned that the HRC was attempting to infringe upon First Amendment rights. The Committee also discussed the issue of the inordinate incarceration rates of young African-American females and racial profiling.

Commissioner del Portillo stated that the editor and publisher of the SF Weekly do not respect the HRC or the Latino community and that the community as a whole should respond to this issue and an apology to the offended community members is not a First Amendment issue.

12. Employment Committee: Report of October 7, 2004 Meeting

Linda Chin (HRC Staff) stated that the Committee discussed the reinstatement of the sub-shops, such as metal shop and wood shop, to middle schools and high schools. Commissioner del Portillo asked in which schools were these shops opened and wondered if the shops were implemented equally in all schools. Ms Chin stated that she will contact the school district to find the answer to that question.

The Committee also discussed the recommendations for the construction employment program and a compliance sub-committee of the employment collaborative was formed. The Committee also discussed the Independent Living Resource Center that ensures that people with disabilities are fully participating members of the workforce, educational institutions and the culture of the City. Rodney Hampton of YCD presented on the Citywide Town Hall meeting on contracting opportunities. There was active discussion regarding the lack of job opportunities for young adults who have completed the Young Adult Developers (YCD) training program.

Commissioner Faye Woo Lee stated that the Committee members are concerned with contractors not meeting hiring goals and wondered how to enforce meeting the goals. Commissioner Lee invited Director Harmon to attend the next Committee meeting to address these issues.

13. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

Acting Chair Baghdadi asked that the letter to Police Officers Association regarding tickets to a Michael Savage performance be agendized for the next Commission meeting.

Commissioner del Portillo asked what the next step is regarding the SF Weekly letter. Acting Chair Baghdadi asked that the item be agendized for the next meeting. Commissioner del Portillio asked that an attorney be present at any meeting with the SF Weekly.

Commissioner Norman stated that the SF Weekly and the POA have answered our letters with invocation of the First Amendment as opposed to being responsive to the issue of human rights. Commissioner Norman asked the City Attorney to provide guidelines regarding the First Amendment.

City Attorney Molly Stump stated that she will be happy to provide the Commissioners with an overview of the First amendment and added that she has reviewed the letters to the POA and the SF Weekly and did not feel that the HRC is violating anyone's First Amendment rights.

14. Adjournment

There being no further business, the meeting was adjourned at 5:45 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

Agenda
Cancelled

RESCHEDULED

DOCUMENTS DEPT.

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SAN FRANCISCO
PUBLIC LIBRARY

Regular Meeting

Thursday, November 11, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

RESCHEDULED

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ancelled

ATTENTION!

This regular meeting of the Human Rights Commission falls on a City holiday.

Pursuant to SF Administrative Code 67.6(c), this meeting will be held on the next possible business day:

Monday, November 15, 2004
4:30 pm
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR November/December 2004

November 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 15
MONDAY MEETING--IN LIEU OF 11/11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 408

November 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 17
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 25
HRC Regular Commission Meeting
CANCELED

December 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

December 21
LGBT Advisory Committee Meeting
CANCELED

December 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 23
HRC Regular Commission Meeting
CANCELED

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

DOCUMENTS DEPT.

NOV 0 9 2004

SAN FRANCISCO
PUBLIC LIBRARY

IN LIEU OF 11-11-04 HOLIDAY

Regular Meeting Agenda

Monday, November 15, 2004
4:30 p.m.
City Hall, Room 408
1 Dr. Carlton B. Goodlett Place

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#1
11/15/04

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia Chung
Carlota del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

Virginia M. Harmon, *Director*

Toni A. Delgado, *Commission Secretary*

HRC CALENDAR November/December 2004

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City Hall, Room 416

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CANCELED

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DBE Advisory Committee Meeting
5:30pm
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Main Conference Room

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HRC Regular Commission Meeting
CANCELED

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

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ORDER OF BUSINESS

1. Call to Order and Roll Call

2. Circulate General Communications File

3. Public Comment on Items Not on the Agenda
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. Approval of minutes of Commission Meeting of October 28, 2004
   Action Item - Attachment provided
   Present: T. Delgado

REPORT OF THE CHAIR

5. Report of the Chair
   Discussion Item - No Attachment

6. Individual Commissioner Reports on Community Activities
   Discussion Item - No Attachment

7. Approval of letter to SF Weekly regarding editorial entitled "Of Asterisks and Small Pols" written by John Mecklin
   Action Item - Attachment Provided

REPORT OF THE DIRECTOR

8. Update on Chapter 14A Stakeholder Meetings
   Discussion Item - No Attachment

9. Presentation of Chapter 14A Waiver Report for October
   Discussion Item - Attachment to be provided at meeting
   Present: M. Kanios

REGULAR BUSINESS

10. Approval of resolution commemorating November 20th as a Day of Remembrance, memorializing members of transgender community who have been murdered
Discussion Item - Attachment to be provided at meeting
Present: M. Arana / C. Chung

HRC DIVISION REPORT

11. Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division
San Francisco Plan to Abolish Chronic Homelessness by the San Francisco Ten Year Planning Council
Discussion Item - This attachment is voluminous and can be viewed or copied at the HRC Main office, or on the world wide web at http://sfgov.org/site/uploadedfiles/planningcouncil/news/TheSFPlanFinal.pdf
Present: C. Herrera

COMMITTEE REPORTS

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of October 19, 2004 Meeting
Commissioner Cecilia Chung, Co-Chair
Commissioner Pat Norman, Co-Chair
Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
Discussion Item - No Attachment

13. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of October 20, 2004 Meeting
Commissioner Khadoun Baghdadi, Co-Chair
Commissioner Vernon Grigg III, Co-Chair
Commissioner Yoel Kahn, Co-Chair
Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
Discussion Item - No Attachment

REGULAR BUSINESS

14. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

15. Adjournment

NOTICE OF COMMISSION HEARING POLICIES AND PROCEDURES

Meeting Procedures

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City and County of San Francisco

Gavin Newsom
Mayor

Human Rights Commission
Contract Compliance
Dispute Resolution/Fair Housing
Disadvantaged Business Enterprise Program
Lesbian Gay Bisexual Transgender & HIV Discrimination

Virginia M. Harmon
Executive Director

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COMMISSIONERS

Malcolm A. Heinicke
Chair

Khaldoun A. Baghdadi
Cecilia Chung
Carlota Del Portillo
Vernon C. Grigg III
Yoel H. Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra E. Sohcot

DRAFT

November 15, 2004

Mr. Troy Larkin, Publisher
SF Weekly
185 Berry, Lobby 4, 3800
San Francisco, CA 94104

Dear Mr. Larkin,

We are writing in response to John Mecklin's recent editorial "Of Asterisks and Small Pols." In that piece, Mecklin criticizes the San Francisco Human Rights Commission for responding to constituent complaints by seeking a discussion about a cartoon that appeared in your paper and used racial slurs and other offensive language in an apparent attempt to satirize Mayor Newsom's neighborhood efforts in the Mission District.

The Commission's task is to address discrimination and foster inter-group relations within the City. In this capacity, we were contacted by community members (mainly Latinos) who were offended by the cartoon in question. We took these concerns seriously and attempted to engage your paper in a dialogue to address them. Mecklin's editorial appears to represent your response.

At the same time he criticizes the Commission, Mecklin candidly accepts that "some Mission Latinos were legitimately wounded" by the cartoon. In fact, Mecklin himself uses asterisks when only partially re-printing the terms in question, thereby suggesting that he appreciates that they are facially offensive. In conjunction with these concessions, however, Mecklin explains that because the strip was actually witty political satire, the targeted groups should not have been offended. The fact that Mecklin needs to explain the satirical nature of the cartoon is telling (if not ironic itself), and more importantly, it demonstrates the value of the very sort of dialogue we were seeking. And, we trust that you can understand that even if we as a Commission may have seen the attempted satire in the cartoon, it would not have been proper for us to do what Mecklin seemingly urges and simply dismiss the offended groups by telling them to lighten up and learn to take a joke.

Taking things a step further, Mecklin suggests that the Commission has run afoul of the First Amendment by exploring further discussion of this cartoon and the possibility of an explanation or apology to those who were offended. Not so. The First Amendment grants the SF Weekly and other papers freedom to print what it sees fit, but it does not absolve them of responsibility for what they do print.

25 Van Ness Avenue
Suite 800
San Francisco
California 94102-6033

TEL (415) 252-2500
FAX (415) 431-5764
TDD (800) 735-2922
www.sfhrc.org

Never has the Commission demanded the retraction of the *Puni* cartoon, asked for a change in content or otherwise attempted to "strong arm" your editors as Mecklin suggests. To the contrary, we are very much aware of and embrace the freedom of the press. Just recently, for example, we rejected a request by LGBT activists that we demand that a newsletter issued to City employees stop running a column deemed offensive to some. Instead, as here, we are simply working with the newsletter and City department involved to make sure they are aware how the column is perceived and that pertinent concerns are voiced and considered. In this way, we are actually fostering the sort of full discussion that the First Amendment is designed to facilitate.

Finally, at the same time he accuses us of "strong arm[ing]" your venerable paper, Mecklin contends that the Commission is simply a group of "tiny pols" looking for publicity. We Commissioners humbly recognize and accept our limited roles. We are not elected officials, and we understand that we do not have the authority, ability or, frankly, the desire to "strong arm" newspaper editors. We are all volunteers who happily serve Mayor Newsom and assist his administration in its ongoing efforts to stop discrimination and give voices and opportunity to those who might not otherwise have them. That's what we were doing here. And, we note that we never issued a press release or otherwise publicized our letter to your paper. You did that.

In sum, we stand by our letter. There is no question that you had the right to print the cartoon, and we are now quite comfortable that neither the cartoonist, Mecklin nor your paper intended to offend people. But, it did. And, we simply sought a discussion with you so we could address these concerns. You chose to ridicule this request and explain your relatively dismissive position via Mecklin's editorial. We can live with the personal attacks, but we hope that going forward you will consider the concerns raised by community members. We do not consider you or your editorial responsibilities to be "tiny," and we trust you will treat them accordingly.
Thank for your attention to this issue. Please let us know if you would our assistance in further addressing the concerns raised.

Sincerely,

DRAFT

Malcolm A. Heinicke
Chair of the Human Rights Commission

cc Scott Tobias, New Times, President and Chief Operating Officer
Jim Larkin, New Times, Chairman and Chief Executive Officer
John Mecklin, Editor, SF Weekly Editor
Dan Siegler, Columnist, SF Weekly
Eva Royale, Development Director, Dolores Huerta Foundation

MAH/

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Minutes
Regular Meeting
November 15, 2004
DRAFT

City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

ROSTER OF COMMISSIONERS

Malcolm Heinicke, *Chair*

Khaldoun A. Baghdadi
Cecilia C. Chung
Carlota Del Portillo
Vernon C. Grigg III
Yoel Kahn
Faye Woo Lee
Larry Lee
Pat Norman
Ellouise Patton
Sandra Sohcot

Virginia M. Harmon, *Executive Director*

Toni A. Delgado, *Commission Secretary*

1. Call to Order and Roll Call

Commission Secretary Delgado called the meeting to order at 4:47 p.m.

Commissioners Present	*Commissioners Excused*
Malcolm A. Heinicke, *Chair*(arr. 5:01 pm)	Khaldoun Baghdadi
Cecilia C. Chung	Carlota Del Portillo
Yoel Kahn (left 5:38 pm)	Vernon C. Grigg III
Faye Woo Lee	Larry Lee
Sandra Sohcot	Pat Norman
	Ellouise Patton

HRC Staff Present
Virginia Harmon, Executive Director; Toni A. Delgado, Commission Secretary; Larry Brinkin; Maria Cordero; James Fields; Cynthia Goldstein; Carmen Herrera; Melinda Kanios; and Veronica Ng.

A quorum not was present.

2. Circulate General Communications File

A general communications file was circulated. Contents of the General Communications File are available for review and copying at the HRC Main Offices during normal business hours. Please contact the Commission Secretary.

There was no public comment on this item.

3. Public Comment on Items Not on the Agenda

There was no public comment on items not on the agenda.

4. Approval of minutes of Commission Meeting of October 28, 2004

Since a quorum was not present, this item was continued to the next meeting on December 9, 2004.

5. Report of the Chair

Chair Heinicke announced and congratulated Director Harmon and Cynthia Goldstein for their nominations in the Excellence in City Services program.

Chair Heinicke reminded all Commissioners this Saturday, the Human Rights Commission will be presenting two resolutions to Rigoberta Menchu Tum and the San Francisco Fine Arts Museum for their involvement in the Mayan History Exhibit and furthering the education of the Mayan culture and race. Commission Secretary noted that Commissioners Carlota del Portillo and Faye Woo Lee have confirmed their attendance to this event and she extended the invitation to any Commissioner interested in attending. The presentation will take place at the Legion of Honor at 10:30 a.m. on Saturday.

There was no public comment on this item.

6. Individual Commissioner Reports on Community Activities

Commissioner Faye Woo Lee participated in the Veteran's Day parade to honor Chinese-American World War II veterans.

Commissioner Chung attended the American Immigration Lawyer's Foundation honoring LGT immigrants in San Francisco. Tomorrow the State Assembly will hold a hearing on transgender health access issues. On the 17th, Commissioner Chung will emcee Transgender Awareness Day hosted by City College. On the 19th and 20th the community will observe Transgender Day of Remembrance.

There was no public comment on this item.

7. Approval of letter to SF Weekly regarding editorial entitled "Of Asterisks and Small Pols" written by John Mecklin

Since a quorum was not present, no action could be taken on this item.

Due to the timelines of this matter, Chair Heinicke suggested that this letter come from Director Harmon on behalf of the Commission.

There was no public comment on this item.

8. Update on Chapter 14A Stakeholder Meetings

Director Harmon stated that the Mayor's Office, Supervisors Ma and Ammiano, the Human Rights Commission, Chair Heinicke, Commissioner Kahn, the Small Business Commission, and the Mayor's Office on Disability, have been meeting with the Community stakeholders on the interim public contracting program working toward creating a permanent public contracting program. At the last Stakeholder's meeting on November 4, the City Attorney's Office and the Coalition on Economic Equity discussed their proposal of a two-tiered discount program; the small-local business discount at 5% with small business being defined at the economic threshold currently identified in Chapter 12.D.A and 14A. The small-micro business discount at an additional 5% with micro business being defined at the economic threshold at half of what is currently identified in Chapter 12.D.A and 14A. The sub-contracting program will be similar to what is currently being implemented by BART. HRC Staff, the Mayor's Office, the Controllers office, and other City contracting awarding authorities met to discuss several administration issues such as a self-certification or reciprocal-certification process as well as giving the departments an additional role in terms of administering the program. The departments will have a follow-up meeting to further discuss administration, the City Attorney's office is currently drafting some legislation and the Stakeholders will meet again to discuss and review what will be submitted to the Board of Supervisors.

Chair Heinicke noted that Director Harmon was very well informed in leading these discussions and the community has strongly expressed its desire that the contracting program stay with the Human Rights Commission.

Commissioner Kahn asked how many times the emergency ordinance has been renewed. Chair Heinicke stated that the Board of Supervisors is in the process of renewing the emergency ordinance for a second time and will possibly have to renew it a third while the Stakeholders, the Mayor's Office and the HRC work on a draft for a permanent contracting legislation.

There was no public comment on this item.

9. Presentation of Chapter 14A Waiver Report for October

Melinda Kanios (HRC Staff) presented the Commissioners with the 14A Waiver Report for the month of October.

There was no public comment on this item.

10. Approval of resolution commemorating November 20th as a Day of Remembrance, memorializing members of transgender community who have been murdered

Since a quorum was not present, no action could be taken on this item.

Commissioner Chung introduced Gwen Smith, founder of the Transgender Day of Remembrance. Ms. Smith stated seven years ago, anti-transgender violence was virtually unknown, although transgender people were being killed at a rate of more than one per month. In 1999, the first Day of Remembrance was hosted by once city, San Francisco. This year, the Day of Remembrance will be joined by eight countries and thirty-five states. PFLAG and NOW are informing their members about the Day of Remembrance. To date, there have been twenty-one murders reported since the last day of Remembrance.

Due to the timelines of this matter, Chair Heinicke suggested that this resolution be transformed into a letter addressed to Gwen Smith, from Director Harmon on behalf of the Commission.

There was no public comment on this item.

11. Non-Discrimination in Employment, Housing and Public Accommodation (NEHPA) Division
San Francisco Plan to Abolish Chronic Homelessness by the San Francisco Ten Year Planning Council

Carmen Herrera (HRC Staff) introduced Reginald Smith, member of the HRC Issues Committee and the Project Director for the 10-year Planning Council.

Mr. Smith stated that the National Alliance to End Homelessness in Washington, D.C. asked cities and states to submit ten-year plans to end chronic homelessness. The term "chronic homelessness" is defined an unaccompanied, disabled individual who has been

sleeping in one or more places not meant for human habitation, or in one or more emergency shelters for over one year, or who has had four or more periods of homelessness over three years. Mayor Newsom appointed a group of people to create and produce a plan to the federal government by October, 2004. The plan focuses on those most in need and moves them from shelters or the streets to permanent supportive housing, saving millions of dollars of emergency care could be saved by reducing visits to emergency rooms and firefighter, paramedic, and police officer care. The group will continue to meet and implement San Francisco's ten-year plan.

There was no public comment on this item.

12. Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of October 19, 2004 Meeting

Larry Brinkin (HRC Staff) stated that the Committee heard a panel called "Beyond the Sex and Gender Binary," which provided information about the male/female continuum. The Committee received an update from the Intersex Task Force. The letter to Dr. Katz was discussed and the members were satisfied with the changes.

There was not public comment on this item.

13. Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of October 20, 2004 Meeting

Bayard Fong (HRC Staff) stated that the Committee reviewed the current DBE ordinance and took input with regard to what the future program should look like. The committee reviewed programs by East Bay MUD, City of Sacramento, and BART. The Committee discussed size standards for small businesses, the idea of a two-tiered program serving small and micro business, and the possibility of providing a mentoring program for small business.

There was not public comment on this item.

14. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items

There was no Commissioner discussion of matters of interest for possible inclusion of future agenda Items.

15. Adjournment

There being no further business, the meeting was adjourned at 5:57 p.m.

** NOTE: These minutes are a true representation of discussions that took place during the meeting, although they may not necessarily reflect the order in which items were heard. If you are viewing these minutes in electronic form, attachments referenced herein may not be accessible. You may request paper copies from the Commission Secretary **

HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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SF
480
#1
11/25/04
cancelled

Agenda

CANCELED

Regular Meeting

Thursday, November 25, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

December 9, 2004
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR November/December 2004

November 04
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 10
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 15
MONDAY MEETING--IN LIEU OF 11/11
HRC Regular Commission Meeting
4:30pm
City Hall, Room 408

November 16
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 17
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

November 25
HRC Regular Commission Meeting
CANCELED

December 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

December 21
LGBT Advisory Committee Meeting
CANCELED

December 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 23
HRC Regular Commission Meeting
CANCELED

City and County of San Francisco
Human Rights Commission

December 09, 2004

Items designated by "CC" shall automatically be approved, unless a request for removal for discussion or explanation is received from the audience, Commission or Commission staff.

Public testimony will be taken on each item. Public testimony is limited to three minutes.

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ORDER OF BUSINESS

1. **Call to Order and Roll Call**

2. **Circulate General Communications File**

3. **Public Comment on Items Not on the Agenda**
   Members of the public may address the Commission on matters that are within the Commission's jurisdiction and are not on today's agenda. Public comment is limited to three minutes.

APPROVAL OF MINUTES

4. **Approval of minutes of Commission Meeting of October 28, 2004**
   Action Item - Attachment provided
   (Continued from 11-15-04 Commission Meeting)
   Present: T. Delgado

5. **Approval of minutes of Commission Meeting of November 15, 2004**
   Action Item - Attachment provided
   Present: T. Delgado

REPORT OF THE CHAIR

6. **Presentation of HRC Resolution honoring the life of Scott Campbell**
   Resolution adopted by the Commission on July 22, 2004
   Discussion Item - Attachment Provided
   Present: L. Brinkin

7. **Report of the Chair**
   Discussion Item - No Attachment

8. **Individual Commissioner Reports on Community Activities**
   Discussion Item - No Attachment

REPORT OF THE DIRECTOR

9. **Presentation of Joseph Collins and Rodney James certificates to graduates of the PUC/HRC Employment Program**
   Discussion Item - Attachment provided
   Present: D. Rathbone

10. **Discussion of 2005-2006 Initial Budget Instructions**
    Discussion Item - No Attachment

11. **Update on Chapter 14A Stakeholder Meetings**
    Discussion Item - No Attachment

12. **Presentation of Chapter 14A Waiver Report for November**
    Discussion Item - Attachment to be provided at meeting
    Present: M. Kanios

COMMITTEE REPORTS

13. **Lesbian Gay Bisexual Transgender Advisory Committee (LGBTAC): Report of November 16, 2004 Meeting**
    Commissioner Cecilia Chung, Co-Chair
    Commissioner Pat Norman, Co-Chair
    Committee Staff: Marcus Arana, Larry Brinkin, Domenic Viterbo
    Discussion Item - No Attachment

14. **Issues Committee: Report of November 10, 2004 Meeting**
    Discussion Item - No Attachment
    Commissioner Carlota del Portillo, Co-Chair
    Commissioner Ellouise Patton, Co-Chair
    Commissioner Sandra E. Sohcot, Co-Chair
    Committee Staff: Emil De Guzman, Carmen Hererra
    Discussion Item - No Attachment

15. **Employment Committee: Report of November 04, 2004 Meeting**
    Discussion Item - No Attachment
    Commissioner Larry Lee, Chair
    Commissioner Faye Woo Lee, Co-Chair
    Committee Staff: Linda Chin, Kabir Hypolite, Mary Gin Starkweather
    Discussion Item - No Attachment

16. **Disadvantaged Business Enterprise (DBE) Advisory Committee: Report of November 17, 2004 Meeting**
    Commissioner Khaldoun Baghdadi, Co-Chair
    Commissioner Vernon Grigg III, Co-Chair
    Commissioner Yoel Kahn, Co-Chair
    Committee Staff: Selormey Dzikunu, James Fields, Bayard Fong
    Discussion Item - No Attachment

REGULAR BUSINESS

17. Commissioner Discussion of Matters of Interest for Possible Inclusion of Future Agenda Items
Discussion Item - No Attachment

18. Adjournment

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HUMAN RIGHTS COMMISSION

City and County of San Francisco

Gavin Newsom, Mayor

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Agenda

CANCELED
Regular Meeting

Thursday, December 23, 2004
4:30 p.m.
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

CANCELED

80
1
12/23/04
cancelled

ATTENTION!

The regular meeting of the Human Rights Commission has been canceled.

The next regular meeting will be:

January 13, 2005
4:30 pm
City Hall, Room 416
1 Dr. Carlton B. Goodlett Place

For more information, contact the Commission Secretary at 415-252-2500
Agenda and other information are available on the HRC website: www.sfhrc.org

HRC CALENDAR December 04/January 05

December 02
Employment Committee Meeting
1:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 08
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 09
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

December 21
LGBT Advisory Committee Meeting
CANCELED

December 15
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

December 23
HRC Regular Commission Meeting
CANCELED

January 06
Employment Committee Meeting
CANCELED

January 12
Issues Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 13
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

January 18
LGBT Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

January 19
DBE Advisory Committee Meeting
5:30pm
25 Van Ness Avenue, #800
Main Conference Room

Janauary 27
HRC Regular Commission Meeting
4:30pm
City Hall, Room 416

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